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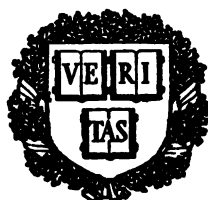
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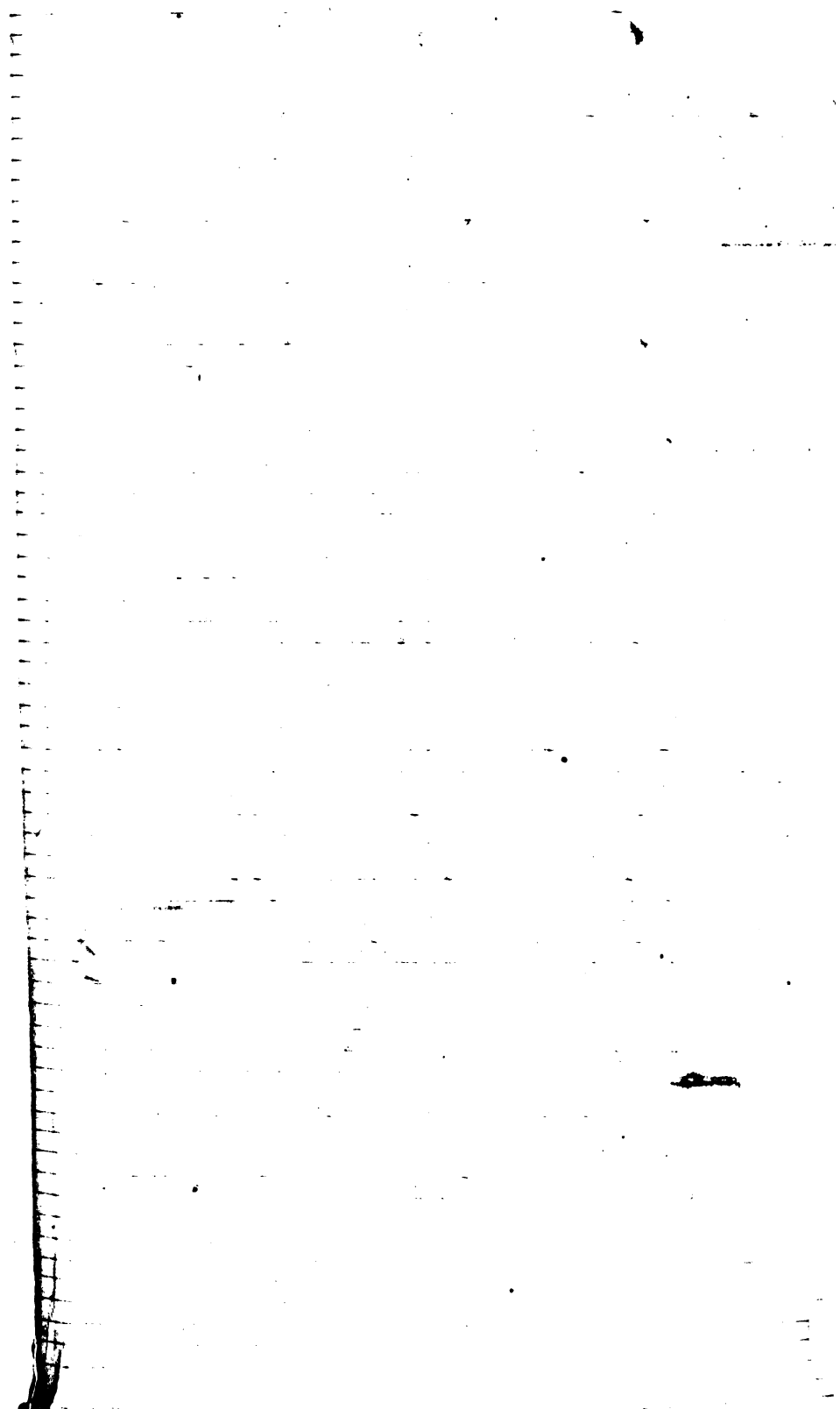
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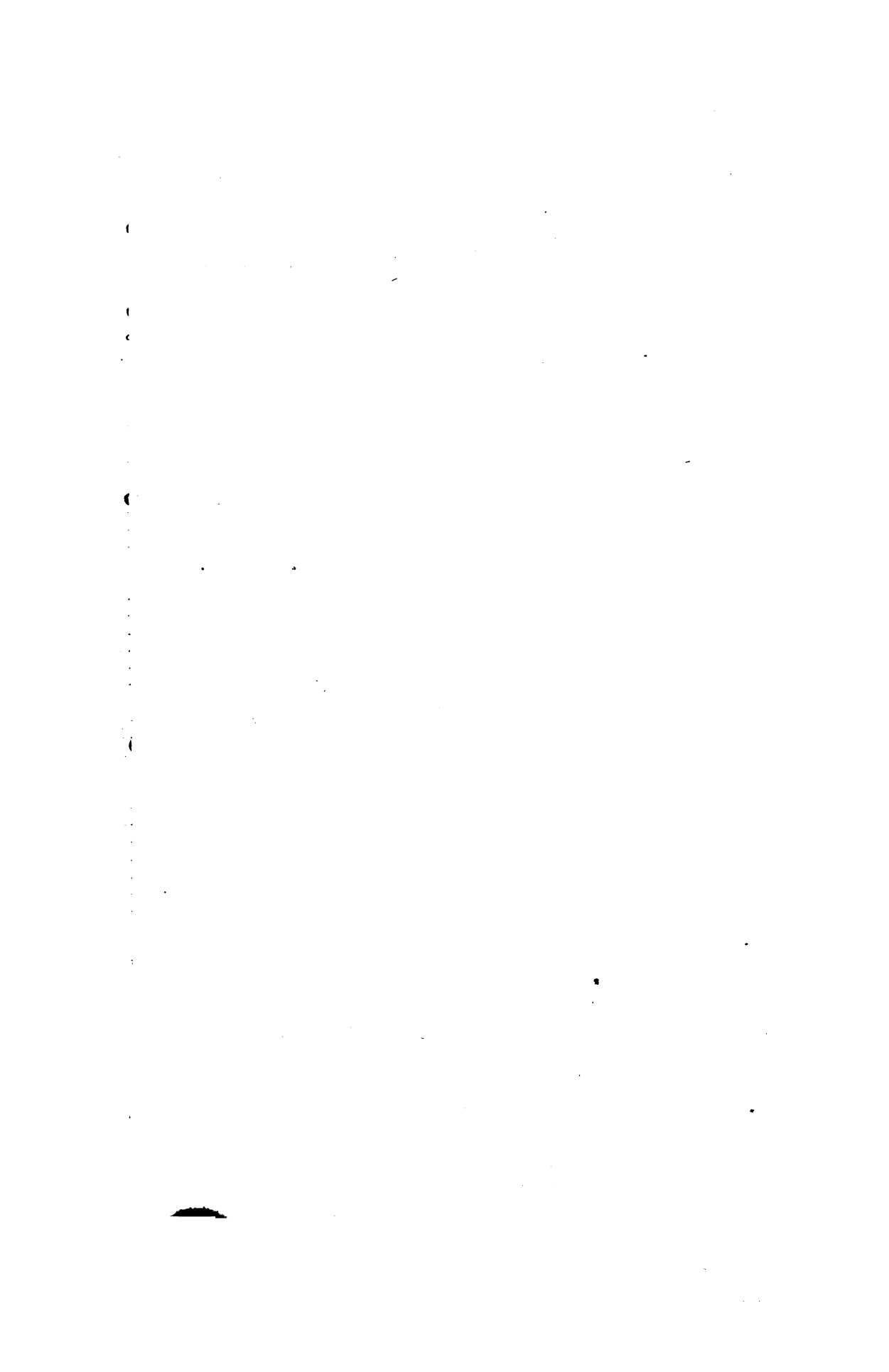
DAY OF THE LATE FAST, MARCH 25, 1853.

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1860, Jan. 31.

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of Cambridge.

(H. U. 1814.)

DISCOURSE.

LEV. 24: 22. YE SHALL HAVE ONE MANNER OF LAW, AS WELL FOR THE STRANGER,
AS FOR ONE OF YOUR OWN COUNTRY: FOR I AM THE LORD YOUR GOD.

It is my very uncommon privilege and pleasure to speak to you, for once, from a text already fulfilled, and more than fulfilled in the observance. For we, as a people, or nation, have not only abstained from passing laws that are unequal, or hard upon strangers, which is what the rule of the text forbids, but we have invited them to become fellow-citizens with us in our privileges, and bestowed upon them all the rights and immunities of citizens. We have said to the strangers from Germany, France, Switzerland, Norway, Ireland, and indeed of every land, "Come and be Americans with us, you and your children; and whatsoever right or benefit we have, in our free institutions and our vast and fertile domain, shall be yours."

Thus invited, thus admitted to an equal footing with us, they are not content, but are just now returning our generosity by insisting that we must excuse them and their children from being wholly and properly American. They will not have one law for us and for themselves, but they demand immunities that are peculiar to themselves, and before unheard of by us; or else that we wholly give up institutions for their sake that are the dearest privileges of our birthright. They accept the common rights of the law, the common powers of voting, the common terms of property, a common privilege in the new lands and the mines of gold, but when they come to the matter of common schools, they will not be common

with us there—they require of us, instead, either to give up our common schools, or else, which in fact amounts to the same thing, to hand over their proportion of the public money, and let them use it for such kind of schools as they happen to like best; ecclesiastical schools, whether German, French, or Irish; any kind of schools but such as are American, and will make Americans of their children.

It has been clear for some years past, from the demonstrations of our Catholic clergy and their people, and particularly of the clergy, that they were preparing for an assault upon the common school system, hitherto in so great favor with our countrymen; complaining, first, of the Bible as a sectarian book in the schools, and then, as their complaints have begun to be accommodated by modifications that amount to a discontinuance, more or less complete, of religious instruction itself, of our “godless scheme of education;” to which (as godless only as they have required it to be) they say they can not surrender their children without a virtual sacrifice of all religion. Growing more hopeful of their ability, by the heavy vote they can wield, to turn the scale of an election one way or the other between opposing parties, and counting on the sway they can thus exert over the popular leaders and candidates, they have lately attempted a revolution of the school system of Michigan, and are now memorializing the legislatures of Pennsylvania and Ohio, and urging it on the people of these states to allow a change or modification of theirs that amounts to a real discontinuance; viz., to make a distribution of the public school money to all existing schools, of whatever description, according to the number of their scholars; and the moment this is done, plainly nothing will be left of the common school system but a common fund, gathered by a common tax on property, to support private schools.

Evidently the time has now come, and the issue of life or death to common schools is joined for trial. The ground is taken, the flag is raised, and there is to be no cessation, till the question is forever decided, whether we are to have common schools in our country or not. And accordingly, it is time for us all, citizens, public men and Christians, to be find-

ing the ground on which we expect and may be able to stand. In one view the question is wholly a religious question ; in another it is more immediately a civil or political question. And yet the lines cross each other in so many ways that any proper discussion of the topic must cover both aspects or departments, the religious and the political. I take up the question at this early period, before it has become, in any sense, a party question, that I may have the advantage of greater freedom, and that I may suffer no imputation of a party bias, to detain me from saying any thing which pertains to a complete view of the subject.

As this day of fasting is itself a civil appointment, I have always made it a point to occupy the day, in part, with some subject that pertains to the public duties and religious concerns of the state or nation. I propose, therefore, now to anticipate, as it were, the pressure of this great subject, and discharge myself, once for all, of my whole duty concerning it ; and I hope to speak of it under that sense of responsibility, as well as in that freedom from prejudice, which one of the greatest and most serious of all American subjects requires. I wish I might also speak in a manner to exclude any narrow and partial or sectarian views of it, such as time and the further consideration of years might induce a wish to qualify or amend.

I will not undertake to say that our Catholic friends have, in no case, any just reason for uneasiness or complaint. A great many persons and even communities will very naturally act, for a time, as power is able to act, and will rather take counsel of their prejudices than of reason, or of the great principles that underlie our American institutions. Consideration, as a rectifying power, is often tardy in its coming, and of course there will be something unrectified, for so long a time, in the matter that waits for its arrival.

Meantime the subject itself is one of some inherent difficulty, and can not be expected to settle itself upon its right foundation, without some delay or some agitation, more or less protracted, of its opposing interests and reasons. We began our history in all but the single colony of Baltimore,

as Protestant communities; and, in those especially of New England, we have had the common school as a fundamental institution from the first—in our view a Protestant institution—associated with all our religious convictions, opinions, and the public sentiment of our Protestant society. We are still, as Americans, a Protestant people, and many are entirely ignorant, as yet, of the fact that we are not still Protestant states also, as at the first; Protestant, that is, in our civil order, and the political fabric of our government. And yet we very plainly are not. We have made a great transition; made it silently and imperceptibly, and scarcely know as yet that it is made. Occupied wholly with a historic view of the case, considering how the country and its institutions are, historically speaking, ours; the liberality and kindness we have shown to those who have come more recently to join us, and are even now heard speaking in a foreign accent among us; the asylum we have generously opened for them and their children; the immense political trust we have committed to them, in setting them on a common footing, as voters, with ourselves; and that now we offer to give a free education to their children, at the public expense, or by a tax on all the property of the state—considering all this, and that we and our fathers are Protestants, it seems to be quite natural and right, or even a matter of course, that our common schools should remain Protestant, and retain their ancient footing undisturbed.

But we shall find, on a second consideration, that we have really agreed for something different, and that now we have none to complain of but ourselves, if we have engaged for more than it is altogether pleasant to yield. Our engagement, in the large view of it, is to make the state or political order a platform of equal right to all sects and denominations of Christians. We have slid off, imperceptibly, from the old Puritan, upon an American basis, and have undertaken to inaugurate a form of political order that holds no formal church connexion. The properly Puritan common school is already quite gone by; the intermixture of Methodists, Quakers, Unitarians, Episcopalians, and diverse other

names of Christians, called Protestants, has burst the capsule of Puritanism, and, as far as the schools are concerned, it is quite passed away; even the Westminster catechism is gone by, to be taught in the schools no more. In precisely the same manner, have we undertaken also to loosen the bonds of Protestantism in the schools, when the time demanding it arrives. To this we are mortgaged by our great American doctrine itself, and there is no way to escape the obligation but to renounce the doctrine, and resume, if we can, the forms and lost prerogatives of a state religion.

But there is one thing, and a very great thing, that we have not lost, nor agreed to yield; viz., *common schools*. Here we may take our stand, and upon this we may insist as being a great American institution; one that has its beginnings with our history itself; one that is inseparably joined to the fortunes of the republic; and one that can never wax old, or be discontinued in its rights and reasons, till the pillars of the state are themselves cloven down forever. We can not have Puritan common schools—these are gone already—we can not have Protestant common schools, or those which are distinctively so; but we can have common schools, and these we must agree to have and maintain, till the last or latest day of our liberties. These are American, as our liberties themselves are American, and whoever requires of us, whether directly or by implication, to give them up, requires what is more than our bond promises, and what is, in fact, a real affront to our name and birthright as a people.

I mean, of course, by common schools, when I thus speak, schools for the children of all classes, sects and denominations of the people; so far perfected in their range of culture and mental and moral discipline, that it shall be the interest of all to attend, as being the best schools which can be found; clear too, of any such objections as may furnish a just ground of offense to the conscience or the religious scruples of any Christian body of our people. I mean, too, schools that are established by the public law of the state, supported at the public expense, organized and superintended by public au-

thority. Of course it is implied that the schools shall be under laws that are general, in the same way as the laws of roads, records, and military service; that no distribution shall be made, in a way of exception, to schools that are private, ecclesiastical or parochial; that whatever accommodations are made to different forms of religion, shall be so made as to be equally available to all; that the right of separate religious instruction, the supervision, the choice of teachers, the selection of books, shall be provided for under fixed conditions, and so as to maintain the fixed rule of majorities, in all questions left for the decision of districts. The schools, in other words, shall be common, in just the same sense that all the laws are common, so that the experience of families and of children under them, shall be an experience of the great republican rule of majorities—an exercise for majorities, of obedience to fixed statutes, and of moderation and impartial respect to the rights and feelings of minorities—an exercise for minorities of patience and of loyal assent to the will of majorities—a schooling, in that manner, which begins at the earliest moment possible, in the rules of American law, and the duties of an American citizen.

And this, I undertake to say, is the institution which we are not for any reason to surrender, but to hold fast as being a necessary and fixed element of the public order, one without which our American laws and liberties are scarcely American longer; or, if we call them by that name, have no ground longer of security and consolidated public unity.

In the first place, it will be found, if we closely inspect our institutions, that the common school is, in fact, an integral part of the civil order. It is no eleemosynary institution, erected outside of the state, but is itself a part of the public law, as truly so as the legislatures and judicial courts. The school-houses are a public property, the district committees are civil officers, the teachers are as truly functionaries of the law as the constables, prison-keepers, inspectors and coroners. We perceive then, if we understand the question rightly, that an application against common schools, is so far

an application for the dismemberment and reorganization of the civil order of the state. Certain religionists appear, in the name of religion, demanding that the state shall be otherwise constructed. Or, if it be said that they do not ask for the discontinuance of the common schools, but only to have a part of the funds bestowed upon their ecclesiastical schools, the case is not mended but rather made worse by the qualification; for in that view they are asking that a part of the funds which belong to the civil organization shall be paid over to their religion, or to the *imperium in imperio*, their religion so far substitutes for the civil order. It is as if they were to ask that the health wardens should so far be substituted by their church wardens, or the coroner's inquest by their confessional, and that the state, acknowledging their right to the substitution demanded, should fee the church wardens and confessors, in their behalf. If an application that infringes on the civil polity of our states, in a manner so odious, is to be heard, the civil order may as well be disbanded, and the people given over to their ecclesiastics, to be ruled by them in as many clans of religion as they see fit to make. Are we ready, as Americans, to yield our institutions up in this manner, or to make them paymasters to a sect who will so far dismember their integrity?

This great institution, too, of common schools, is not only a part of the state, but is imperiously wanted as such, for the common training of so many classes and conditions of people. There needs to be some place where, in early childhood, they may be brought together and made acquainted with each other; thus to wear away the sense of distance, otherwise certain to become an established animosity of orders; to form friendships; to be exercised together on a common footing of ingenuous rivalry; the children of the rich to feel the power and do honor to the struggles of merit in the lowly, when it rises above them; the children of the poor to learn the force of merit, and feel the benign encouragement yielded by its blameless victories. Indeed, no child can be said to be well trained, especially no male child, who has not met the people as they are, above him or below, in the seatings,

plays and studies of the common school. Without this he can never be a fully qualified citizen, or prepared to act his part wisely as a citizen. Confined to a select school, where only the children of wealth and distinction are gathered, he will not know the merit there is in the real virtues of the poor, or the power that slumbers in their talent. He will take his better dress as a token of his better quality, look down upon the children of the lowly with an educated contempt, prepare to take on lofty airs of confidence and presumption afterward; finally, to make the discovery when it is too late, that poverty has been the sturdy nurse of talent in some unhonored youth who comes up to affront him by an equal, or mortify and crush him by an overmastering force. So also the children of the poor and lowly, if they should be privately educated, in some inferior degree, by the honest and faithful exertion of their parents; secreted as it were, in some back alley or obscure corner of the town, will either grow up in a fierce, inbred hatred of the wealthier classes, or else in a mind cowed by undue modesty, as being of another and inferior quality, unable, therefore, to fight the great battle of life hopefully, and counting it a kind of presumption to think that they can force their way upward, even by merit itself.

Without common schools, the disadvantage falls both ways in about equal degrees, and the disadvantage that accrues to the state, in the loss of so much character, and so many cross ties of mutual respect and generous appreciation, the embittering so fatally of all outward distinctions, and the propagation of so many misunderstandings, (righted only by the immense public mischiefs that follow)—this, I say, is greater even than the disadvantages accruing to the classes themselves; a disadvantage that weakens immensely, the security of the state, and even of its liberties. Indeed, I seriously doubt whether any system of popular government can stand the shock, for any length of time, of that fierce animosity, that is certain to be gendered, where the children are trained up wholly in their classes, and never brought together to feel, understand, appreciate and respect each other, on the com-

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they may misunderstand each other; kept apart, walled up to heaven in the inclosures of their sects, that they may be as ignorant of each other, as inimical, as incapable of love and cordial good citizenship as possible. The arrangement is not only unchristian, but it is thoroughly un-American, hostile at every point, to our institutions themselves. No bitterness is so bitter, no seed of faction so rank, no division so irreconcilable, as that which grows out of religious distinctions, sharpened to religious animosities, and softened by no terms of intercourse; the more bitter when it begins with childhood; and yet more bitter when it is exasperated also by distinctions of property and social life that correspond; and yet more bitter still, when it is aggravated also by distinctions of stock or nation.

In this latter view, the withdrawing of our Catholic children from the common schools, unless for some real breach upon their religion, and the distribution demanded of public moneys to them in schools apart by themselves, is a bitter cruelty to the children, and a very unjust affront to our institutions. We bid them welcome as they come, and open to their free possession, all the rights of our American citizenship. They, in return, forbid their children to be Americans, pen them as foreigners to keep them so, and train them up in the speech of Ashdod among us. And then, to complete the affront, they come to our legislatures demanding it, as their right, to share in funds collected by a taxing of the whole people, and to have these funds applied to the purpose of keeping their children from being Americans.

Our only answer to such demands is, "No! take your place with us in our common schools, and consent to be Americans, or else go back to Turkey, where Mohammedans, Greeks, Armenians, Jews are walled up by the laws themselves, forbidding them ever to pass over or to change their superstitions; there to take your chances of liberty, such as a people are capable of when they are trained up, as regards each other, to be foreigners for all coming time, in blood and religion." I said go back to Turkey—that is unnecessary. If we do not soon prepare a state of Turkish

order and felicity here, by separating and folding our children thus, in the stringent limits of religious non-acquaintance and consequent animosity, it will be because the laws of human nature and society have failed.

Besides, there are other consequences of such a breach upon the common school system, implied in yielding this demand, which are not to be suffered. A very great part of the children, thus educated, will have very inferior advantages. They will be shut up in schools that do not teach them what, as Americans, they most of all need to know, the political geography and political history of the world, the rights of humanity, the struggles by which those rights are vindicated, and the glorious rewards of liberty and social advancement that follow. They will be instructed mainly into the foreign prejudices and superstitions of their fathers, and the state, which proposes to be clear of all sectarian affinities in religion, will pay the bills!

It will also be demanded, next, that the state shall hold the purse for the followers of Tom Paine, and all other infidels, discharging the bills of schools where Paine's Age of Reason, or the Mormon Bible, or Davis' Revelations are the reading books of the children.

The old school Presbyterian church took ground, six years ago, in their General Assembly, at the crisis of their high church zeal, against common and in favor of parochial schools. Hitherto their agitation has yielded little more than a degree of discouragement and disrespect to the schools of their country; but if the Catholics prevail in their attempt, they also will be forward in demanding the same rights, upon the same grounds, and their claim also must be granted. By that time the whole system of common schools is fatally shaken. For, since education is thrown thus far upon the care of individual parents, still another result is certain to follow in close proximity, viz., the discontinuance of all common schools, and of all public care of education; and then we shall have large masses of children growing up in neglect, with no school at all provided to which they can be sent; ignorant, hopeless and debased creatures; banditti of the street; wild men of

anarchy, waiting for their leaders, and the guerilla practice of the mountains; at first the pest of society, and finally its end or overthrow. A result that will be further expedited, by the fact that many children, now in our public schools, will be gathered into schools of an atheistic or half pagan character, where they will be educated in a contempt of all order and decency, to be leaders of the ignorance and brutality supplied by the uneducated. How different the picture from that which is now presented by our beautiful system of common schools—every child provided with a good school, all classes and conditions brought together on an equal footing of respect and merit, the state their foster-mother, all property a willing and glad contributor for their outfit in life, and their success in the ways of intelligence and virtue!

Take it then for a point established, that common schools are to remain as common schools, and that these are to be maintained by the state as carefully as the arsenals and armed defenses of the country—these and no other. Just here, then, comes the difficult question, what we are to do, how to accommodate the religious distinctions of the people, so as to make their union in any common system of schools, possible—how the Catholics, in particular, are to be accommodated in their religion, in those societies and districts where Protestants are the majority; how Protestants, where Catholics are the majority?

The question how Pagans, Mohammedans, and Atheists, are to be accommodated, is, in my view, a different question, and one, I think, which is to be answered in a different manner. They are to be tolerated, or suffered, but in no case to be assisted or accommodated, by acts of public conformity. I can not agree to the sentiment sometimes advanced, that we are not a Christian nation, in distinction from a Pagan, Mohammedan or Infidel. Indeed I will go further, assuming the fact of God's existence, I will say that no government can write a legitimate enactment or pass a valid decree of separation from God. Still, after the act is done, God exists, God is the only foundation it has of public right or authori-

ty. The state, indeed, is a fiction, a lie, and no state, save as it stands in him. And then as Christianity is only the complete revelation of God, otherwise only partially revealed, it follows that the state can not be less than a Christian state, can not any more disown or throw off its obligations to be Christian, than an individual can. Nor in fact has our government ever attempted to shake off Christianity, but has always, from the first day till now, taken the attitude and character of a Christian commonwealth—accepting the Christian Sabbath, appointing fasts and thanksgivings, employing military and legislative chaplains, and acknowledging God by manifold other tokens. Accordingly our schools are, to the same extent, and are to be Christian schools. This is the American principle, and as we have never disowned God and Christ, as a point of liberty in the state, or to accommodate unbelievers, so we are required by no principle of American right or law to make our schools unchristian, to accommodate Turks and Pagans, or rejectors and infidels.

Common schools, then, are to be Christian schools—how Christian? In the same sense, I answer, that Catholics and Protestants are Christians, in the same sense that our government is Christian, in the same that Christendom is Christian, that is, in the recognition of God and Christ and providence and the Bible. I fully agree with our Catholic friends regarding what they say in deprecation of a godless system of education. Dr. Chalmers, engaged in a society to establish Catholic schools in Glasgow, went so far as to say that if he had not been able to obtain “favorable terms from the priest, that is, the liberty of making the Bible a school-book,” he would still have persevered, “on the principle that a Catholic population, with the capacity of reading, are a more hopeful subject than without it.” Perhaps he was right, but the statistics reported in France, a few years ago, showing that public crimes, in the different departments, were very nearly in the ratio of education, increasing too in the ratio of the increase of education, are sufficient to throw a heavy shade of doubt on the value of all attempts to educate, that increase the

power of men, and add no regulative force of principle and character. It is, to say the least, a most perilous kind of beneficence. The chances are far too great that knowledge, without principle, will turn out to be only the equipment of knaves and felons.

The greater reason is there that our Catholic fellow-citizens should not do what they can to separate all the schools of the nation from Christian truth and influence, by requiring a surrender of every thing Christian in the schools, to accommodate their sectarian position. Or, if they reply that they would wholly supplant the common schools, leaving only parochial and sectarian schools in their place, on the ground that our government can not, without some infringement on religion, be made to coalesce with any thing Christian, then is it seen they are endeavoring to make the state "godless" in order to make the school Christian. Exactly this, indeed, one of their most distinguished and capable teachers in Pennsylvania is just now engaged to effect; insisting that the civil state has no right to educate children at all; not only controverting a constituent element of our civil order, but claiming it as a Christian right that the state shall exercise no Christian function. Which then is better, a godless government or a godless school? And if his own church will not suffer a godless school, what has it more earnestly insisted on than the horrible impiety of a state separated from God and religion, and the consequent duty of all kings and magistrates to be servants and defenders of the church? The Catholic doctrine is plainly in a dilemma here, and can no way be accommodated. If the state is godless, then it should as certainly withdraw from that as from the school, which, if it persists in doing, it as certainly does what it can, under the pretext of religion, to empty both the state and the schools of all religion.

The true ideal state manifestly is, one school and one Christianity. But it does not follow that we are to have as many schools as we have distinct views of Christianity, because we have not so many distinct Christianities. Nor is any thing more cruel and abominable than to take the little

children apart, whom Christ embraced so freely, and make them parties to all our grown up discords whom Christ made one with himself and each other, in their lovelier and, God forgive us if perchance it also be, their wiser age. Let us draw near rather to the common Christ we profess, doing it through them and for their sake, and see if we can not find how to set them together under Christ, as his common flock.

In most of our American communities, especially those which are older and more homogeneous, we have no difficulty in retaining the Bible in the schools and doing every thing necessary to a sound Christian training. Nor, in the larger cities, and the more recent settlements, where the population is partly Catholic, is there any, the least difficulty in arranging a plan so as to yield the accommodation they need, if only there were a real disposition on both sides to have the arrangement. And precisely here, I suspect, is the main difficulty. There may have been a want of consideration sometimes manifested on the Protestant side, or a willingness to thrust our own forms of religious teaching on the children of Catholics. Wherever we have insisted on retaining the Protestant Bible as a school book, and making the use of it by the children of Catholic families, compulsory, there has been good reason for complaining of our intolerance. But there is a much greater difficulty, I fear, and more invincible, on the other side. In New York the Catholics complained of the reading of the Protestant Scriptures in the schools, and of the text-books employed, some of which contained hard expressions against the Catholic church. The Bible was accordingly withdrawn from the schools and all religious instruction discontinued. The text-books of the schools were sent directly to Archbishop Hughes, in person, to receive exactly such expurgations as he and his clergy would direct. They declined the offer, by a very slender evasion, and it was afterward found that some of the books complained of were in actual use, in their own church schools, though already removed from the schools of the city. Meantime the immense and very questionable sacrifice thus made, to accommodate the complaints of the Catholics, resulted in no discontinu-

ance of their schools, neither in any important accession to the common schools of the city, from the children of Catholic families. On the contrary, the priests now change their note and begin to complain that the schools are "godless" or "atheistical"—just as they have required them to be. In facts like these, fortified by the fact that some of the priests are even denying, in public lectures, the right of the state to educate children at all, we seem to discover an absolute determination that the children shall be withdrawn, at whatever cost, and that no terms of accommodation shall be satisfactory. It is not that satisfaction is impossible, but that there is really no desire for it. Were there any desire, the ways in which it may be accomplished are many and various.

1. Make the use of the Bible in the Protestant or Douay version, optional.

2. Compile a book of Scripture reading lessons, by agreement from both versions.

3. Provide for religious instruction, at given hours, or on a given day, by the clergy, or by qualified teachers such as the parents may choose.

4. Prepare a book of Christian morality, distinct from a doctrine of religion or a faith, which shall be taught indiscriminately to all the scholars.*

* I am not aware of any attempt that has hitherto been made to adjust an agreement on the basis of this distinction. The following beautiful card, prepared by Archbishop Whately, to be conspicuously printed and hung in the Irish schools, was accepted by the whole Board, including the Catholic Archbishop; in which we have, at once, an example of what I mean by the distinction stated, and also a proof that, so far at least, the distinction is available as a basis of agreement.

"Christians should endeavor, as the Apostle Paul commands them, to 'live peaceably with all men,' (Rom. ch. xii. v. 10,) even with those of a different religious persuasion."

"Our Saviour Christ commanded his disciples 'to love one another.' He taught them to love even their enemies, to bless those that cursed them, and pray for those that persecuted them. He himself prayed for his murderers."

"Many men hold erroneous doctrines; but we ought not to hate or persecute them. We ought to seek for the truth, and to hold fast what we are convinced is the truth; but not to treat harshly those who are in error. Jesus Christ did not intend his religion to be forced on men by violent means. He would not allow his disciples to fight for him."

Out of these and other elements like these, it is not difficult to construct, by agreement, such a plan as will be Christian, and will not infringe, in the least, upon the tenets of either party, the Protestant or the Catholic. It has been done in Holland and, where it was much more difficult, in Ireland. The British government, undertaking at last, in good faith, to construct a plan of national education for Ireland, appointed Archbishop Whately and the Catholic Archbishop of Dublin, with five others, one a Presbyterian and one

"If any persons treat us unkindly, we must not do the same to them, for Christ and his apostles have taught us not to return evil for evil. If we would obey Christ, we must do to others, not as they do to us, but as we would wish them to do to us."

"Quarreling with our neighbors, and abusing them, is not the way to convince them that we are in the right and they in the wrong. It is more likely to convince them that we have not a Christian spirit."

"We ought to show ourselves followers of Christ, who 'when he was reviled, reviled not again,' (1 Pet. ch. ii. v. 23,) by behaving gently and kindly to every one."

If I rightly understand, it is over Christianity as a faith, a divine mystery, that the Catholic Church claims a more especial jurisdiction, and not over the preceptive rules of conduct on the common footing of intercourse and society. Otherwise it must also assume a jurisdiction over many things in the province even of the common law, such as theft, perjury, slander, and all moral definitions that turn upon the question of "malice aforethought." And if it can not submit to any common teaching on these points, how can it submit to the jurisdiction of the state itself without an equal infringement of its prerogative? Is it then impossible to prepare a volume, in the manner of the above card, which, without entering into any matter that pertains to Christianity as a faith, or a grace of salvation, will yet comprise every thing that pertains to the relative conditions of life, and even to God's authority concerning them—the Christian rules of forgiveness, gentleness, forbearance, docility, modesty, charity, truth, justice, temperance, industry, reverence toward God, drawn out in chapters, and formally developed—large extracts from the preceptive parts of the Bible, and its moral teachings; from the Proverbs of Solomon, from the histories of Joseph and Haman, from the history of Jesus, in his trial and crucifixion, taken as an example of conduct, from the moral teachings also of his sermon on the mount, the parable of the good Samaritan, the rule of the lowest seat, and other like expositions—enlivened also by those picturesque representations of Scripture that display the manner of human nature in matters of moral conduct, such as the parable of Jotham, the story of the ewe lamb, and the judgment of Solomon. In this way Christianity would have a clear and well-ascertained place in the schools. A Christian conscience would be formed, and a habit of religious reverence. And though we could wish for something more, we might safely leave the higher mysteries of faith and salvation to be taught elsewhere.

a Unitarian, to be a board or committee of superintendence. They agreed upon a selection of reading lessons from both translations of the Scriptures, and, by means of a system of restrictions and qualifications, carefully arranged, providing for distinct methods and times of religious instruction, they were able to construct a union, not godless or negative, but thoroughly Christian in its character, and so to draw as many as 500,000 of the children into the public schools; conferring thus upon the poor neglected and hitherto oppressed Irish, greater benefits than they have before received from any and all public measures since the conquest.

I can not go into the particulars of this adjustment, neither is it necessary. Whoever will take pains to trace out the particular features of the plan, will see that such an adjustment is possible. Enough is it for the present to say, that what has been can be, and that if there is a real and true desire in the two parties to this coming controversy, to settle any plan that will unite and satisfy them both, it will be done. It may never be done in such a manner as to silence all opposition or attack from the ultra Protestant party on one side, and the ultra Catholic on the other. Bigotry will have its way, and will assuredly act in character here, as it has in all ages past and does in Ireland now. The cry will be raised on one side, that the Bible is given up because it is read only at the option of the parents, or because only extracts from it are read, though the extracts amount to nearly the whole book, or because they are, some of them, made from the Catholic and some from the Protestant version; whereas, if only this or that catechism were taught, with not a word of Scripture, no complaint of a loss of the Bible would be heard of, or if the Psalter translation were read, instead of the Psalms, it would be regarded as no subject of complaint at all. On the other, the Catholic side, it will be insisted that the church authority is given up, though every word and teaching is by and from it, or that religion itself is corrupted by the profane mixtures of a Protestant proximity and intercourse. Probably the bigots, on both sides, will have much to say, in deprecation of the "godless system of education," and

yet there will be more religious teaching, and more impression made of true religion, by that cordial and Christian adjustment of differences, which brings the children of two hostile bands together, in this manner, than by whole days and weeks of drill and catechism in separate schools.

There is a great deal of cant in this complaint of godless education, or the defect of religious instruction in schools, as Baptist Noel, Dr. Vaughan, and other distinguished English writers, have abundantly shown. It is not, of course, religious instruction for a child to be drilled, year upon year, in spelling out the words of the Bible, as a reading book—it may be only an exercise that answers the problem how to dull the mind most effectually to all sense of the Scripture words, and communicate least of their meaning. Nay, if the Scriptures were entirely excluded from the schools, and all formal teaching of religious doctrine, I would yet undertake, if I could have my liberty as a teacher, to communicate more of real Christian truth to a Catholic and a Protestant boy, seated side by side, in the regulation of their treatment of each other, as related in terms of justice and charity, and their government as members of the school community, (where truth, order, industry and obedience are duties laid upon the conscience, under God,) than they will ever draw from any catechism, or have worn into their brain by the dull and stammering exercise of a Scripture reading lesson. The Irish schools have a distinct Christian character, only not as distinctly sectarian as if they were wholly Protestant or wholly Catholic. They are Christian schools, such as ours may be and ought to be, and, I trust, will be, to the latest generations, nor any the less so that they are common schools.

Neither is it to be imagined or felt that religion has lost its place in the scheme of education, because the Scriptures are not read as a stated and compulsory exercise, or because the higher mysteries of Christianity as a faith or doctrine of salvation, are not generally taught, but only the Christian rules of conduct, as pertaining to the common relations of duty under God. What is wanting may still be provided for, only less adequately, in other places; at home, in the church, or in

lessons given by the clergy. It is not as when children are committed to a given school, like the Girard College, for example, there to receive their whole training, and where, if it excludes religion, they have no religious training at all.

I do then take the ground, and upon this I insist, as the true American ground, that we are to have common schools, and never to give them up, for any purpose, or in obedience to any demand whatever—never to give them up, either by formal surrender, or by implication; as by a distribution of moneys to ecclesiastical and sectarian schools. The state can not distribute funds, in this manner, without renouncing even a first principle of our American institutions, and becoming the supporter of a sect in religion. It may as well support the priests of a church, as support the schools of a church, separated from other schools, for the very purpose of being subjected to the priests.

But while we are firm in this attitude, and hold it as a point immovable, we must, for that very reason, be the more ready to do justice to the religious convictions of all parties or sects, and to yield them such concessions, or enter into such arrangements as will accommodate their peculiar principles and clear them of any infringement.

But it will be objected by some, that while this should be done, if there were any thing to hope from it, there is really no hope that our concessions or modifications will be of any avail, and therefore that they should not be made at all; for they will only so far abridge the value of our schools without yielding any recompense for the loss. Then let us offer the modifications, offer any terms of union that can be offered without a virtual destruction or renunciation of the system; and then if they are not accepted it will not be our fault. I very much fear they will not be, that an absolute separation of the Catholic children from our schools is already determined, and that no revision of the sentence can be had. Still it is much for us to take away every excuse for such a determination, and every complaint or pretext by which it is justified.

Then, having done it, we can take the ground explicitly, and clear of all ambiguity, that they who exclude themselves are not Americans, and are not acting in their complaints or agitations, on any principle that meets the tenor of our American institutions. Nothing will be more evident, and they should be made to bear the whole odium of it. If to keep their people apart from the dreaded influence of Protestant Christianity, they were to buy townships of land, or large quarters in our cities, to be occupied only by Catholics, walled in by their own by-laws, and allowing no Protestant family, or tradesman, or publican, to reside in the precinct—no one to enter it without a pass; and then to come before our legislatures in petition that we will distribute moneys to support their roads, and pay their constables and gate-keepers; they would scarcely do a greater insult to our American society than they do in these separations from our common schools, and the petitions they are offering to be justified and rewarded in the separation.

But we tax them, it will be said, for the support of the common schools, and then, receiving no benefit from the tax they pay, they are obliged to tax themselves again, for schools of their own. It is even so, and for one, apart from all resentment, I rejoice in it; unless they have grievances put upon them by the organization of our schools, such as justify their withdrawal. We tax the Quakers for defect of military service, and bachelors who have no children, and we ought, much more, to tax the refractory un-American position taken by these Catholic strangers, after we have greeted them with so great hospitality, and loaded them with so many American privileges. If now they will not enter into the great American institution, so fundamental to our very laws and liberties, let them pay for it, and measure their deserts by their dissatisfactions. If they will be foreigners still among our people, let them have remembrances that interpret their conduct to them in a way of just emphasis.

Meantime let us be sure also of this, that a day is at hand when they will weary of this kind of separation, and will visit on their priests, who have required it, a just retribution.

One generation, or possibly two, may bear this separation, this burden of double taxation, this withdrawal of their children from society and its higher advantages, to be shut up or penned as foreign tribes in the state, thus to save the prejudices of a discarded and worthless nationality; but another generation is to come who will have drunk more deeply into the spirit of our institutions, and attained to a more sufficient understanding of the hard lot put upon them, in this manner, by a jealous and overbearing priesthood. Then comes a reaction, both against them and their religion; then a flocking back to the schools to reap their advantages; and it will be strange if the very measure now counted on as the means of their preservation, does not, of itself, become one of the strongest reasons for the alienation of their children from it. Of this we may be quite sure, and it ought not to be any secret to them, that their children of the coming time will at last find a way to be Americans; if not under the Pope and by the altars, then without them.

Neither let it be said that this is a matter which lies at the disposal of politics, and that our political demagogues will sell any thing, even our birthright as a people, to carry the vote of a campaign. The experiment has just been tried in Detroit, with a most signal and disastrous failure. In cases where the issue touches no religious interest or feeling of the Protestants, and the Catholics can be gained to throw a casting vote on one side or the other, the politicians will not deal so absurdly, if they consent to buy that vote by some great promise, and I have so little confidence in many of them, under the prodigious temptations of a canvass, as to have it for granted, that they will stick at nothing which is possible. But here, thank God, is one thing that is impossible, and whatever politician ventures on the experiment, will find that he has not worked his problem rightly—that if Catholics can be often united and led in masses to the vote, so Protestants will sometimes go in masses where they are not led, save by their principles. That our legislatures can not and will not be gained to allow the ruling out of the Scriptures, and all religious instruction from the schools, as in New York city,

I am by no means certain—I very much fear that they will—but that they can ever become supporters and fund-holders to ecclesiastical schools, or be induced to give up common schools, I do not believe. Whatever politician or political party ventures on that experiment, will find that he has rallied a force manifold greater against him than he has drawn to his aid. A point so thoroughly un-American, so directly opposite also to the deepest convictions of the great Protestant majorities of the country, can not be carried, and, if pressed, will suffice to fix a stigma that is immovable upon any leader who is desperate enough to try the experiment.

Here I will close. The subject is a painful one, and not any the less so that the line of our duty is plain. It can not be said by any, the most prejudiced critic, that our conduct as a people, to strangers and men of another religion, has not been generous and free beyond any former example in the history of mankind. We have used hospitality without grudging. In one view it seems to be a dark and rather mysterious providence, that we have thrown upon us, to be our fellow-citizens, such multitudes of people, depressed, for the most part, in character, instigated by prejudices so intense against our religion. But there is a brighter and more hopeful side to the picture. These Irish prejudices, embittered by the crushing tyranny of England, for three whole centuries and more, will gradually yield to the kindness of our hospitality, and to the discovery that it is not so much the Protestant religion that has been their enemy, as the jealousy and harsh dominion of conquest. God knows exactly what is wanting, both in us and them, and God has thrown us together that, in terms of good citizenship, and acts of love, we may be gradually melted into one homogeneous people. Probably no existing form of Christianity is perfect—the Romish we are sure is not—the Puritan was not, else why should it so soon have lost its rigors? The Protestant, more generally viewed, contains a wider variety of elements, but these too seem to be waiting for some process of assimilation that shall weld them finally together. Therefore God, we may suppose, throws all these diverse multitudes, Protestant

and Catholic, together, in crossings so various, and a ferment of experience so manifold, that he may wear us into some other and higher and more complete unity, than we are able, of ourselves and by our own wisdom, to settle. Let us look for this, proving all things, and holding fast that which is good, until the glorious result of a perfected and comprehensive Christianity is made to appear, and is set up here for a sign to all nations. Let us draw our strange friends as close to us as possible, not in any party scramble for power, but in a solemn reference of duty to the nation and to God. I can not quite renounce the hope that a right and cordial advance on our part—one that, duly careful to preserve the honors of Christianity, concedes every thing required by our great principle of equal right to all, and as firmly refuses to yield any thing so distinctively American as this noble institution, identified with our history as the blood with the growth of our bodies—will command the respect and finally the assent of our Catholic friends themselves. And since God has better things in store even for religion, than the repugnant attitudes of its professed disciples can at present permit, I would even hope that he may use an institution so far external to the church, as a means of cementing the generations to come in a closer unity, and a more truly catholic peace; that, as being fellow-citizens with each other, under the state, in the ingenuous days of youth and youthful discipline, they may learn how also to be no more strangers and foreigners, but fellow-citizens with the saints and of the household of God.

DEFENCE

OF THE LAW OF

CL. in the Public Schools.

ARGUMENT

Wm. Durant
DURANT, ESQ.,

IN THE

SCHOOL CASE.



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DEFENCE

OF THE USE OF

The Bible in the Public Schools.

ARGUMENT

OF

Fowle
HENRY F. DURANT, ESQ.,

IN THE

ELIOT SCHOOL CASE.

BOSTON:
TICKNOR AND FIELDS.
M. DCCC. LIX.

1860, March 5.
Gift of J. C. Parker,
of
Cambridge.

HENRY F. DURANT, Esq. :—

Dear Sir,—The undersigned are desirous that your Argument in the Eliot School case should be more widely circulated, and therefore request that you would furnish a corrected copy of the same for publication,

And oblige, yours, &c.,

ARTHUR B. FULLER,
Pastor New North Church.

JOHN W. DADMUN,
Pastor of the First Methodist Church.

N. M. GAYLORD,
First Universalist Church.

G. W. BLAGDEN,
Senior Pastor of the Old South Church.

Boston, March 31, 1859.

THE ELIOT SCHOOL CASE.

On Monday, the fourteenth day of March last, the public were much excited by the announcement that there had been an open rebellion in the Eliot School, one of the largest grammar schools in Boston, and that all the Catholic children had refused to obey the established regulations of the School Committee in regard to the reading of the Holy Scriptures and the recital of the Ten Commandments. Over three hundred pupils peremptorily refused to obey these regulations, and were therefore dismissed from the school.

On the following Wednesday, a complaint was made in the police court by William Wall, the father of one of the pupils, against McLaurin F. Cooke, the second or sub-master of the school, charging him with an assault and battery upon his boy, Thomas J. Wall. The trial was protracted for a number of days, and necessarily postponed on account of the public business, until the twenty-fifth of March, when this argument was addressed to the court on behalf of the defendant. The following facts, which appeared at the trial, are referred to in the debate.

On Sunday, the 6th of March, there was a meeting in a basement room of St. Mary's Church, a church of the Jesuits, on Endicott Street, at which a few of the Eliot School children, and some of the parents, were present. What took place did not fully appear, although it was admitted that some directions were given to the children by Father Wiget, the priest, in regard to repeating the Ten Commandments in school. On the Monday morning following the boy, Thomas J. Wall, refused to join with the other scholars in repeating the Ten Commandments, saying that he did not know them. He was reminded by the teacher that he had always been in the habit of repeating them before, but still persisted in his denial. He was then taken to Mr. Mason, the Principal of the school, who told him that he must not attend school until his father came with him, and the matter was inquired into. On Wednesday the father brought back his boy, and gave directions that he should repeat the commandments, as the others did, or that he should be punished severely. On Thursday he came again and asked if his son

had obeyed the regulations, and was told that he would not be required to do so until the next Monday. He then repeated the order to punish the boy severely, if he refused, and gave very particular directions not to dismiss him from school, if he disobeyed, but to keep him and punish him severely. On the Sunday following the children, about nine hundred in number, who attended St. Mary's Church, were all collected and instructed by Father Wiget, that they must not repeat the Ten Commandments, or join in the Lord's Prayer, and he threatened them with exposure from the altar, if they disobeyed him. On Monday there was a general disturbance and disorder in the different school-rooms during the usual reading of the Bible. The boys scraped with their feet, and made much disturbance by whistling and muttering; they afterwards all refused to say the Lord's Prayer, or recite the Ten Commandments. It was testified that the boy Wall was the most active, and appeared to be the one to whom the others looked as foremost. He was called to the teacher's desk and examined, and then was whipped for his misconduct. It was claimed that the boy was severely whipped, but the evidence of a physician who was called by him, showed that the whipping was not severe, and that all marks or effects of it disappeared the next day.

The boy and his father were called as witnesses, and among other things, the boy said that a brass medal silver washed was given to him by Father Wiget the night before he was called as a witness. This took place at the Jesuit's house, but the boy said he did not know why the medal was given him, and could not recollect any thing said to him at the interview, except "to go home to his supper." The defence was placed upon the ground, that the regulations of the school were proper, and that there was a planned and concerted rebellion to overthrow the discipline of the school, and set the master's authority at defiance, and that such misconduct not only justified, but required a much more severe punishment than was given. The counsel for the prosecution took the ground that the school regulations were illegal and unconstitutional, and thus the great question in the cause was raised.

ARGUMENT.

May it please your Honor :—

The spectacle which is presented to-day in this court, is indeed novel and strange. A worthy teacher of one of our principal public schools, who is bound by our wise and benevolent laws to impart the great gifts of free instruction in piety and morality and learning to his pupils, is arraigned as a criminal—arraigned by one of his own pupils at the bar of this court as a criminal because he has attempted to do his duty—because he has obeyed that ancient, wise and beneficent law, which in words of simple and familiar beauty enjoined upon him to “impress upon the minds of the children committed to his care, those principles of piety, justice, love of country, humanity and universal benevolence, which are the basis of a Republican government, and tend to secure the blessings of liberty.”

He stands indeed before the bar of this court arraigned as a criminal, but he stands there in proud humility, proud of his position, conscious that in the execution of the delicate and important trusts committed to him, he has done his duty boldly and manfully—confident that the laws will protect him—confident that the hearts and the minds of his fellow-citizens will sustain him gratefully, because in the hour of peril and of duty he was true to the laws.

But this is not the whole picture. In the dark back ground are seen his accusers; the real criminals, who have usurped the place and the name of accusers. And who are they? Some are seen and some are unseen, some are known and some are unknown, some are seen in full view, while some are only seen as doubtful and mysterious shadows; but the brief, strange record of this case tells its own significant story.

For years we have enjoyed the highest blessing which even a free government can bestow upon its citizens—the blessing of education, unbought, unsold—free to all, common to all, without distinction of birth, or sect or race. Under the wise and parental system of our public schools, our children were taught together as one free, and happy, and united family. The children of the emigrant and the alien sat side by side with the son of the free-born American—they learned from the same book—they shared the same instruction, profited by the same culture—and they left the school together to enter upon the broad highway of life with the same lights of learning behind them, the same stars of hope and promise before them, free and equal under the laws.

This was the story of yesterday ; but to-day we find a sad and mournful and ominous change. Suddenly—at the absolute will of one man—by the exercise of a dark and dangerous, a fearfully dangerous power, hundreds of children of tender years, children who were living in the full enjoyment of liberty and of learning, are not only arrayed in open rebellion against our established regulations, and in open violation of our laws, but are deliberately taught that they are to sacrifice all the benefits and blessings of free education, and are led out by their priest from the protecting roof of the school-house to the temptations, the dissipations and crimes of the streets. This course is even now justified and persevered in ; the same influences are still at work in our schools, and we are told to-day by the advocate of those deluded children, that this dangerous and unscrupulous priest was in the right, that the laws under which my client justifies himself, were rightly denounced from the altar, were properly set at defiance by the pupils, and are destructive of the liberty of conscience, intolerant, illegal, unconstitutional and void.

Who is this priest who comes here from a foreign land to instruct us in our laws ? For whom, and on whose behalf, is this charge of intolerance—this charge that we are violating the sacred liberty of conscience—brought against the people and the laws of Massachusetts ? Can it be that one of the Society of Jesuits is the accuser ? I wish to discuss this case as calmly as I may. I wish to say nothing to arouse feelings which cannot easily be allayed ; but there are *memories* which we can never banish from heart or brain ; there are records on

earth and in heaven which can never be blotted out; there are pages of history written in letters of fire, and of blood; and the man who leads forth his flock of children, and boldly arrays them in open defiance of our established laws, who audaciously and ungratefully assails our established regulations as intolerant and unchristian, and as violating the sacred liberty of conscience, would do well to look behind him, as well as before—would do well to pause and reflect if *he* is in a position which authorizes such grave accusations, or justifies such violence.

But I must discuss this case with more of method and order, and I will not answer this attack upon our laws and our institutions until I have shown how material it is to the decision of this cause—how vital and deadly a blow is aimed at our institutions, our liberties, and our laws.

My client is charged with an unlawful assault upon one of his pupils. There was a pretence originally made, that he had been guilty of needless and unreasonable severity in enforcing the established regulation of the school, but that pretence has faded—and faded away into utter insignificance.

The evidence of the boy himself, and of the physician who saw him, showed that the punishment was neither unusual nor severe.

The evidence of the boy himself showed that it was necessary he should be punished, unless all hopes of obedience and control in that school were to be abandoned forever. But what can be said now, after we have proved by witness upon witness—that gross violation of the discipline of the school—the indecent and riotous conduct of the children—their wilful and openly concerted rebellion against the masters—that planned and arranged conspiracy among the scholars, that they would unite together and overthrow the authority of the teachers, and the regulations of the school?

What justification can be offered for all this, unless indeed the novel rule is to be established in Massachusetts that a Jesuit can dictate from Endicott Street as to the management of our public schools. Unless his authority is to be superior to our laws;—unless he can set up his will as supreme;—unless his nod can justify any disobedience, any disrespect, any violence, on the part of the scholars;—then it was the plain duty of the

teacher to maintain the discipline of his school ; and to enforce those rules which he was as much bound to observe and execute as the scholars were bound to obey.

Need I say, in a court of law, that no punishment could be severe in a case like this? Need I allude to the authorities which give to the master in the school-room the power and the duty of a father—the power to enforce obedience, and punish resistance, especially such organized and open resistance as this? Need I remind the Court of the other facts in this case, the authority which the father himself gave to the master to punish his stubborn boy—the authority never withdrawn, and never revoked? No! may it please your Honor, I pass by all these points, for I wish for time to discuss the only question which requires, or deserves discussion—the real question in the case. And that is, whether the regulations which have been referred to are illegal and unconstitutional?

The laws with regard to our public schools are so dear to every citizen, so important in our free government, that they are familiar to every one. Free schools are established and maintained at the public charge. The children of all citizens without any distinction whatever, are allowed to attend them, and all receive the same course of instruction and are governed by the same rules. The general nature of the studies is regulated by positive statutes, but the details of discipline, the selection of teachers, the choice of books and the general management of the schools is given to school committees; which have large legislative, and almost judicial powers delegated to them by the laws. The general law which regulates the course and class of studies in our schools, is found in the Revised Statutes, chapter 23, section 7.

It provides that "*piety*, justice, a sacred regard to truth, love to their country, humanity and universal benevolence, sobriety, industry, frugality, chastity, moderation and temperance," should be taught. All these are to be taught, but *first* of all, *piety*.

In the execution of the duty which is imposed upon our school committee, of prescribing the mode and the means by which piety shall be taught; in the execution of the statute of 1855, which requires that a portion of the Holy Bible should be read daily in every school; and in the execution, also, of their

general duty, to direct the discipline and management of our schools, they have passed the following regulations, which apply to all the public schools in Boston :—

The morning exercises of all the schools shall commence with reading a portion of Scripture, in each room, by the teacher, and the Board recommend that the reading be followed with the Lord's Prayer, repeated by the teacher alone, or chanted by the teacher and children in concert, and that the afternoon session close with appropriate singing ; and also that the pupils learn the Ten Commandments and repeat them once a week.

Substantially similar regulations, embracing a part or the whole of these recommendations, have always existed in our New England schools. These precise regulations have existed in our Boston schools for years. They were published widely, they were read in the schools, they were universally known, and universally acquiesced in. They were established, not for Catholics alone nor for Protestants alone—they were established to favor no particular creed ; no one yet has dared to charge that they were established with any sectarian views—they were established for all, acquiesced in by all—and no one can doubt that they were useful and beneficial to all.

Had there been any feeling that these regulations were arbitrary or unjust—had there been any conscience so sensitive that they became a burden—had any parent, or any child, of any sect of Christians objected to them, there was the fullest opportunity for remonstrance and redress. But it was not so. No teacher was requested to suspend the rules, there was no remonstrance to the school committee—no request to modify or abolish these apparently wise and useful regulations—there was no appeal to the courts, which enforce the laws, nor to the legislature which enacts them. The children obeyed without a murmur, and the parents acquiesced either from indifference, or from satisfaction.

It was in opposition to these regulations so long obeyed, so long acquiesced in, under which year after year our Catholic citizens with pride and satisfaction saw their children receiving and sharing with all others the benefits of a free and liberal education, that it has been found necessary to resort to open violence, to a deliberately planned and arranged rebellion

against the discipline and authority of our schools,—a rebellion which might gratify the ambition or aid the far reaching designs of the priest, but could only end in the ruin of those misguided children, who were at once their tools and their victims. These are the regulations, and this is their history.

And now, since it so plainly appears that my client was justified in punishing this deliberate and wilful rebellion against these rules so long established, so long acquiesced in, so long a part of our invaluable public school system, the counsel for the prosecution are forced to take the ground that these laws and regulations themselves are illegal and unconstitutional.

The Court cannot have forgotten the very able and learned opening argument of the counsel for the prosecution. The issue is plainly made by him, that the regulations which I have read are illegal and unconstitutional, and therefore I cannot avoid it or refuse to meet it, if I would. His general argument, if I understand it correctly, is this :—

Our Constitution declares that every citizen shall have full liberty to worship God according to his own conscience.

The statutes of 1852 require that children should, for at least three months in the year, attend some public school.

All citizens are taxed for the support of public schools, and therefore, have equal rights in them.

To require the scholars to repeat the Ten Commandments infringes upon their liberty of conscience, and the rule is, therefore, unconstitutional.

Any attempt to enforce an unconstitutional law is illegal, and any punishment whatever, for a refusal to obey such a law, is illegal.

If these arguments are sound and unanswerable, then the Bible must indeed be banished from our schools forever.

If a Catholic child not only has a right, but is bound by law to attend school ; if, because all citizens are taxed, he has the rights which are now claimed, and if what he chooses to call his scruples of conscience, are to be obeyed—then he is not obliged to recite nor to hear the Ten Commandments ; he is not obliged to repeat nor to hear the Lord's Prayer ; he is not obliged to read the Protestant Bible nor to hear it read ;—either would offend his Catholic scruples—all are violations of his liberty of conscience.

This is indeed a great question—the *greatest* and *gravest* question, in my judgment, which this Court will ever be called upon to determine; and as it is now for the first time presented here, it is fit that it should be seriously and solemnly discussed, and that it should be met and decided upon those broad principles of justice and law which will satisfy all good citizens of every sect and race, all who love and are willing to obey our laws. No one who knows and cherishes the history of our country,—no one who watches now, with fear and hope, the dark and threatening signs of the times,—no one who reflects upon those essential qualities, those cardinal virtues in the citizen, upon which alone a republican government can be founded, and by which alone it can be sustained,—but must feel and know that this is a question, the importance of which cannot be overrated or exaggerated;—a question which must be met boldly, fearlessly, and with entire frankness;—a question which requires very plain dealing, and justifies very plain speaking also.

My own wish is to avoid all extreme grounds, and to avoid all questions which will widen the threatened breach between our citizens. I chiefly desire to speak to the complainant, who has been instigated to bring this case before the court, and to his brethren and friends. I speak to the alien, the emigrant, and the exile, who have found refuge here from the wrongs and oppressions of the Old World. I appeal to them at once, and forever, to abandon as most dangerous and most injurious to the true welfare of their children, the counsels of those who would array them in opposition to the laws, who would teach them to separate their children from those free schools where all meet beneath the same roof, speak the same tongue, learn from the same books and enter together the great republic of letters.

I appeal to them, to disabuse their minds of the prejudice that their liberty of conscience is to be invaded or violated. No intelligent Catholic parent really believes it or fears it for a moment. I appeal to their own cherished hopes and wishes for the welfare of their children whom they love. I appeal to their experience of past years, and to the bitter lessons of these past few days. I ask every parent to look back upon his own life, upon his own daily sorrows and regrets that a free school was

never open to himself, and then to decide whether he will sacrifice his children also—whether he will dare, at the bidding of priest or politician, to leave his offspring in the shadow of that same darkness; and sadden and darken their lives by the same cloud of ignorance which has overshadowed all his own weary, hopeless days.

Unless I can support and sustain these rules as consistent with freedom of conscience—as consistent with the purest spirit of religious toleration; unless I can show to our adopted citizens, our adopted brethren, that side by side our children can consistently and properly receive the education which the laws give freely and equally to all—unless they can join their little hands, and lift their young hearts in common prayer to the Father of the fatherless, then these regulations will no longer be defended or justified by me.

Need I deny the unjust charge that the laws of our free Commonwealth are hostile or severe, to our adopted citizens? Need I say that ours are no inhospitable or unfriendly shores?

Every western breeze that finds its unseen path over the wide Atlantic, bears an invitation across the ocean, welcoming the exile and the alien, the poor and oppressed of every clime, to the land of the free. Our freedom is our birthright and our inheritance; broad as our land, free and unfettered as the wind, which sweeps from one ocean to the other. And this our birthright and inheritance which our fathers purchased with their blood, we offer to all and willingly share with all. In the Old World the inheritance of the people is the heavy burden of that feudal system, under which the lands and the titles, the wealth and the power are held by the nobles, and transmitted to their children generation after generation. The sons of the soil are bowed down by labor, and the sweat of their toil drops upon fields they can never hope to win or claim as their own.

Learning there is the inheritance of the rich only, and is not for the poor; they must bend their backs and bow down towards the earth, nor dare to look upwards to the broad sunlight of God's eternal sky; they must bow down their hearts and minds to endless, hopeless toil, nor seek to share in the eternal light of learning and knowledge, which God has given for all his children. The holy stars may shine forever in that far-off sky, but dark clouds are floating there between. They must not

look up to that serene sky, must not look up to those far-off stars; their life must be submission and despondency, not aspiration.

What wonder then that every white-winged vessel which leaves the Old World bears its band of emigrants and exiles, looking forward toward the promises of the West; toward the hopes and promises of that beautiful clime which they dream of far away beneath the vanishing glory of the sunset—looking forward to a new home—to a freer land—to a brighter sky. And when the long voyage ends at eventide,—when at sunset, the stately ship furls its white sails in our fair harbor, they see before them in the western sky the golden gates of their new world, the golden gates of the new El Dorado—not the fabulous clime of rivers flowing over golden sands which tempted avarice in earlier days, but the true El Dorado of *men*—a land where the soil is free—where the laws are equal—where the sunshine of liberty and of learning glows for all, blesses all. The emigrants of to-day, do not come as conquerors like the adventurers of an earlier time. They do not come the soldiers of a foreign prince, to extend his dominion, or plant his standard on our free shores. They come as friends, as guests; they come as freemen. The emigrants of to-day do not bear the banners of Castile and Aragon. The Oriflamme of France does not float above their heads, nor does the meteor flag of England lead them onward now, but in the western sky float the banners of the Almighty, blazoned there in the purple and gold of sunset, and inscribed thereon, in letters of living light, is the sacred word of *liberty*.

But there is a voice of warning as well as a voice of welcome for the emigrant and the exile who leaves the Old World, with its wrongs and its memories behind him. As he is borne along over the wild wide ocean he can bury there all memories of the tyranny and oppression which made life a burden. He has left behind the heavy yoke of poverty, the despair of ignorance, the degrading distinctions of birth, the unequal laws which with every rising and every setting sun made him feel the bitter truth of the curse, “in sorrow shalt thou eat of it all the days of thy life.”

A new life opens before him on our wave-worn shores. Here is a new home where the laws are equal for the poor and for the

rich. Here he can win wealth and honor. Here he can be one of the citizens, one of the rulers; here education and honor and power and wealth are open to all; and in the free air, the new life, the loftier aims, the higher aspirations of the New World, all the wrongs and sorrows of the past can be forgotten. But as he buries beneath the dark waves the sad memories of the Old World, let him find a little room there for his chains also.

There is ample room beneath our wide free sky for all races, for all sects, for all churches. The stately towers of the Roman cathedral, and the plain white spires of our New England meeting-houses, pointing from the quiet graves of our fathers heavenward, need never encroach one upon the other. There is room for all beneath our wide blue sky.

We give the widest toleration to all nations, to all creeds, all opinions; but there is one power, one tyranny which cannot cross the ocean, and that is the tyranny of one man, whether his head is encircled with the monarch's crown, or the bishop's mitre. Bury those heavy chains, then, beneath the dark waves, and as the waters close over them, forget the bondage as well as the sorrows of the past.

Ours is a government of the people—a government of men, but of *free* men—and that dark and dangerous power, which, under the guise of religion, would grasp the sceptre of the State, can never, *never* be tolerated here. That plant is not native to our clime—it can never flourish in our free soil—its breath is poisonous to our laws, and death to our liberties—the dream must never for one moment be indulged, that one man, whether he speaks from the Vatican or from the altar, is to rule the destinies of our free people, or to dictate their laws.

We received that warning long ago, in the farewell address of him, whom we love to name as the father of our country. It was Washington who said to us: "Against the insidious wiles of foreign influence (I *conjure* you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government." Our liberties are our inheritance, and neither foreign power or foreign influence can lay sacrilegious hands upon them—sacred alike from the warrior's sword and from the priest's influence.

Aliens and exiles are welcome to our shores ; we will share our birthright with them, and inscribe their names on the great roll of free citizens ; but they must come as men, and as *free* men, not at *priest's* men, and it is no empty form, no meaningless oath which compels them, before they can become citizens, to renounce all allegiance to any foreign power whatever, to all power but the laws. There is a voice of warning, too, which the priests must submit to hear, a voice which is already rising in low mutterings, far and wide over the land—a warning which, unless they hold back their audacious hands, will gather and swell until it breaks in thunder above their heads. It is now only the little cloud seen afar off over the sea no bigger than a man's hand, but it will widen and roll on until it becomes a storm and a whirlwind, which no power can control or withstand.

I speak, then, to the emigrant and the foreigner, whom we welcome to our shores. I desire to show to them and to all who hear me that the *use* of the Bible in our schools—the teaching of the Commandments—the recital of the Lord's Prayer from it, are consistent with the true principles of religious liberty and toleration. I do not speak of casuistry, or of scruples more intolerant than intolerance itself, or of subtle and specious doubts. I speak of religious liberty in a land of law, and liberty of conscience in a government of freemen.

Let us go back for a moment to first principles ; let us endeavor to get clear ideas, and examine briefly what is the meaning of these noble words—a government of freemen—freedom of conscience—liberty under the laws. The truth is that our people are so wholly free that we hardly realize or appreciate what is meant by government and law. Our consciences are so untrammelled that we are unaccustomed to reason or reflect upon what freedom of conscience is, and in what it consists. We forget that the very essence and foundation of all government is religion, and yet the truth exists as old as the primal stars, that a government without religion is as impossible as a universe without a God. We must remember that we are not dealing now with questions of fleeting opinion, nor with transitory laws, which change and vary as society changes, suiting themselves to the necessities and wants

of social progress and social change. We are reasoning upon those elder and fundamental truths which lie at the very basis of all society, all governments. We are studying the deep bases of the everlasting hills. We are questioning those primeval rocks, more enduring than the mountains which soar above them ; which time, nor seasons, nor changes, nor decays, can alter or wear away.

The first great truth, then, which we must reflect upon and appreciate, is this : that religion is the essential foundation of all government, the source and sanction of all power. This is the united voice of all true philosophy, of all true statesmanship—it is the lesson and warning of history, and the universal experience of the civilized world. Need I remind you, sir, of the latest, the darkest lesson of the eternal truth—that a government without religion is a hopeless impossibility ? Need I remind you of that government without religion, founded only upon pure reason, based upon the laws of man—that government inaugurated with more than bridal pomp and festivity, with songs, and feasts, and dances, when the Goddess of Reason was the symbol and the representative of a new era, and in triumph led on the choral dance, which ended in the red dance of death—in the fearful night and darkness of the “Reign of Terror.”

May it please your Honor, our government is based upon religion, upon the Christian religion, and it is a vital and essential part of the law of the land.

Not the Christianity of any particular sect or creed, but the broad, pure, living Christianity of the Bible ;—we cannot open our statutes without meeting with the proof of it. The Bill of Rights, to which the prosecution appeal, commences with a solemn appeal to the Christian’s God—the observance of the Christian Sabbath is enjoined, and profanation of it is forbidden by numerous statutes. Blasphemy against God and our Saviour are crimes punished by law. The oaths which are the protection of property, recognize it, and all our laws flow from it, and are consistent with it. I might quote from our law books ; I might read Blackstone and Story. I might show that all great jurists recognize this grand truth ; I might show that all writers upon municipal law acknowledge it ; but I have a higher authority to which I wish to refer. Let me ask you, Sir, to

hear a voice from the dead, the fittest Oracle of this great living truth. I desire to read the profound and eloquent words of that great statesman, who sleeps well after his long labors, with the solemn voice of the ocean he loved, as his requiem—on the lonely shores of Marshfield:—

There is nothing that we look for with more certainty than this general principle, that Christianity is part of the law of the land. This was the case among the Puritans of New England, the Episcopalians of the Southern States, the Pennsylvania Quakers, the Baptists, the mass of the followers of Whitfield and Wesley, and the Presbyterians; all brought and all adopted this great truth, and all have sustained it. And where there is any religious sentiment amongst men at all, this sentiment incorporates itself with the law. *Every thing declares it.* The massive Cathedral of the Catholic; the Episcopalian Church, with its lofty spire pointing heavenward; the plain Temple of the Quaker; the log Church of the hardy pioneer of the wilderness; the mementos and memorials around and about us; the consecrated graveyards, their tombstones and epitaphs, their silent vaults, their mouldering contents—all attest it. *The dead prove it as well as the living.*

The generations that are gone before speak to it, and pronounce it from the tomb. We *feel* it. All, all proclaim that Christianity, general, tolerant Christianity, Christianity independent of sects and parties, that Christianity to which the sword and the fagot are unknown, general, tolerant Christianity, is the law of the land.

And now, with this lamp to guide our feet, let us inquire what is the meaning of liberty of conscience under the law? Our Constitution declares that "It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the *Supreme Being*, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping *God* in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments, provided he doth not disturb the public peace, or obstruct others in their religious worship."

What is the meaning of those noble words, in a land of liberty, in a country where Christianity is a part of the law of the land? Does it mean that nothing shall be tolerated by law, nothing shall be sanctioned by the law, nothing shall be

paid for by taxation, nothing shall be submitted to, and obeyed by the citizen, excepting what satisfies the scruples of *his* own conscience? The Jew reviles Christianity and the New Testament, and teaches his children that our Saviour was but an impostor. And yet he is taxed for the support and execution of the laws which will punish him with a felon's cell if he dares to reproach the name of Christ, or blaspheme the Holy Scriptures. Nay more, although the Christian Sabbath is a stumbling block, and an offence to him, although every Christian Church is hateful to his sight—he is obliged, with certain exceptions, to respect the laws for the observance of the Sabbath, and is obliged to pay taxes for the support and maintenance of that government, of which Christianity is a vital and essential part.

Need I multiply instances? the Hindoo and the Mahomedan, the Pagan and the Atheist, all can be citizens, all are entitled to freedom of conscience; and yet in every transaction of life, in every function of government, in every act of obedience to the laws, they are obliged to submit to and obey the rules of that Christianity which is an offence to their conscience. Is there any inconsistency in this? Is this inconsistent with true religious toleration? By no means. The answer to the question lies plainly before us. Every man may *worship* God according to his own conscience; for his religious *belief or disbelief* he is not accountable to any human tribunal. The laws impose no form of faith upon his conscience, he is to subscribe to no articles of belief, he is to surrender his faith to no creed, he is to join no sect. Atheist or Pagan, Catholic or Protestant, he is free to believe or disbelieve according to his conscience; and for his faith or his infidelity there is equal toleration. But apart from this, and beyond this, he must submit to the general laws of the land, and just in the same manner that while we declare that every citizen, although free, must submit to numerous laws which do interfere with and infringe upon his liberty; so does every citizen find in the operation of general rules, in the compromises of life, in the necessary concessions of a society regulated by general laws, much that is offensive to the scruples of his conscience, much that he must submit to and obey, although no laws compel him to believe.

Many good and virtuous citizens look upon war as a crime against God, and religion, and yet they are taxed by their country to supply the very sinews of that war, which they believe to be unholy. Atheists believe that the observance of the "Lord's Day" is an idolatrous superstition, injurious and offensive to morality; yet the disciples of Paine and Volney, however it offends their consciences, must cease from labor, and, in all but worship, must observe and keep it.

I repeat, that it is idle and in vain to say that liberty of conscience in one citizen means the submission to *his* scruples on the part of all others. It is in vain to say that in a country of free but divided opinions, nothing shall exist which is not offensive to the consciences of many.

And here let me pause to say, that the danger to our country to-day does not lie in intolerance, nor in disregard of the liberty of conscience. It lies in an unreflecting and timid fear of intolerance. We forget our watchword, that "eternal vigilance is the price of liberty." We do not study nor reflect upon those essential principles upon which our free government is founded. We are so much in fear of intolerance to Catholicism, that we become intolerant of that pure and true religion which is the sole safeguard of our liberties, without which our loved and cherished republic will vanish away—a beautiful but fleeting dream.

But I must not dwell too long upon the examination of these general principles, which demand more ample illustration than the present discussion will allow. I wish to come more closely to the particular question which is to be decided by the light of these general principles.

My *first* proposition has been that the Christian religion is a part of the law of our ancient Commonwealth.

My *second* proposition was that true liberty of conscience and true toleration of all forms of belief can exist consistently with that law.

My *third* proposition is, that piety and morality are to be taught as a part of education, and that this is not inconsistent with religious toleration, or entire liberty of conscience.

This is a question which involves a wide range of discussion, much wider than can be entered upon here, where it must be

decided as a question of authority, of law and of government, rather than as a question of ethics, or philosophy, or religion.

I am not speaking of private schools, established by any sect, supported for any special object or purpose. I am speaking of those public schools which are established and supported by the government, as great public institutions and charities—institutions for which it is lawful to levy taxes upon the citizen—charities in the true legal meaning of the word, which are recognized as a part of the institutions of the country, and protected and supported by its laws.

If my first proposition is true, that our Government is based upon religion, that Christianity is an acknowledged and recognized part of our law, does it not follow, as of inevitable necessity, that in every school founded by government, established and supported by government, religion should be recognized, and piety should be taught? I need not repeat, Sir, that I speak not of any sect, or church, or creed, not of any form of faith. I speak of those principles of true piety and religion which have existed from the hour when the morning stars sang together—from the hour when God said “let there be light”—piety eternal as the stars, religion pure and holy as the light of Heaven.

One of our most eloquent orators has told me that many years ago he met Mr. Webster in London, and conversed with him upon the future destinies of our country. Mr. Webster spoke despondingly of our future. Have you no hope, sir, in our education? He shook his head sadly, without a reply. Have you no hopes then in the religious education of the people? His whole noble face lighted up, as he acknowledged that this was the one bright star, yet shining for his country; and he then expressed his intention of one day laying before his countrymen his long treasured thoughts upon that great subject. How well that promise was kept his countrymen well know. Mr. Webster’s great oration upon the “Religious Instruction of the Young” remains to-day the noblest monument to his fame, the truest mirror of his character. Those who remember him only in the heat and dust of political strife, or in his great contests at the bar, know nothing of him at all.

I remember it as one of the fortunate occurrences of my life, that I heard Mr. Webster address the Supreme Court shortly

after the death of the Hon. Jeremiah Mason. He spoke with earnest feeling of his early friend, of his deep religious belief, of his awful reverence for the living God; and as he dwelt upon that great theme—as he by way of contrast spoke also of a man without religion, a man whom the Scriptures describe in such terse but terrific language as living “without God in the world”—as he declared the great truth that “religion is a necessary and indispensable element in any great human character,” it seemed as if the true great soul of the speaker himself was revealed; as if inspired by his theme, he had for once laid open and displayed the profound mysteries of his own consciousness, of his inner self, and of his own lofty and usually inscrutable being. It seemed as if the clouds which enfolded the lofty summits of the mountain had for a moment rolled away, and the lofty peaks were visible, radiant in their serene and sublime majesty, aspiring forever, soaring forever upward towards the everlasting heavens. I believe that in that one moment I obtained more insight into that great nature than years of familiar intercourse would have given. And I believe, too, that his serious and solemn convictions, his highest hopes, his noblest thoughts, are more fully recorded in the great oration of which I have spoken, than in all the rest of his published works.

Will your Honor allow me to detach two or three thoughts from that powerful argument, which are particularly appropriate to the subject of our discussion? He says with great emphasis :—

I do say, and do insist, that there is no such thing in the history of religion, no such thing in the history of human law, as a charity, a school of instruction for children, from which the Christian religion and Christian teachers are excluded as unsafe and unworthy intruders.

Again he says :—

This scheme of education is derogatory to Christianity, because it proceeds upon the presumption that the Christian religion is not the only true foundation, or any necessary foundation of morals. The ground taken is, that religion is not necessary to morality; that benevolence may be insured by habit, and that all the virtues may flourish and be safely left to the chance of flourishing, without touching the waters of the living spirit of religious responsibility. With him who thinks

thus, what can be the value of the Christian revelation? So the Christian world has not thought; for by the Christian world throughout its broadest extent, it has been and is held as a fundamental truth, that religion is the only solid basis of morals—and that moral instruction, not resting on this basis, is only a building upon sand.

I might multiply authorities of wise and learned men upon this question; but it is not necessary. Can it be argued for a moment, that in educating a child, to whom God has given an immortal soul, as well as intellectual faculties, it is the duty of the State to cultivate the one and leave the other in darkness? Above all things, in a republic which exists only, which can be maintained only, by the *virtue* of its citizens—can it be argued that it is the duty of the State to teach every thing but these very *virtues* upon which its existence and well being depend? Will it be said that it is the duty of the State to educate its citizens, but that those very virtues which alone are useful to the State itself—“those virtues which tend to secure the blessings of liberty,” shall be a sealed book—shall be forbidden forever, banished forever from the schools? If self-preservation is indeed a law of nature, shall not the State be allowed to preserve itself, not by war, not by proscription, not by force, but by instructing its children in piety and morality and pure religion? But I must remember that I cannot discuss this question here, as a question of morality, of philosophy or of religion. I am here only to defend and justify an ancient law of the Commonwealth, which prescribes, in so many words, “that piety, justice, humanity and universal benevolence shall be taught in our public schools.”

The principles for which I contend would justify laws far more general and comprehensive than this; and I look for the hour when they will be enacted, but this is the law of to-day; and I believe that no one will be bold enough to deny its obligation or its justice.

This law to which I have referred the Court is but a re-enactment of a more ancient statute; it was sanctioned anew in the revision of our laws, and is now found in chap. 23, sect. 7, of our Revised Statutes.

May it please your Honor, we have advanced thus far in the argument, and we find that it is a *positive law, which neither*

teacher nor scholar can *evade*, that *piety* shall be taught in our public schools, and I turn now to my adversaries, to ask the question that terminates this controversy forever—from what book is *piety* to be taught in a Republic where Christianity is a part of the law of the land? Is it to be taught from Confucius, or from the Vedas and Puranas of the Hindoos? Shall Plato be our instructor in *piety*, or shall we go back to Zoroaster? No, Sir, there is but one answer that can be given. No skill of the opposing counsel can evade it. And I feel that he will not, and dare not attempt to answer it. What course he may take in his argument I cannot anticipate, but this I know, that he will pass this question by in prudent silence. And yet the whole case turns upon this one question, and it *must* and *will* be answered. No craft of the Jesuit can avoid it. No form of words can conceal it. The answer comes from every lip, Catholic as well as Protestant—it comes from the altar, from the pulpit, and from the statesman's closet—from the street and from the fireside—from the heart of every mother, from the lips of every child. There is but one book from which we dare teach *piety*, and that book is God's Holy Bible.

It would seem that by slow steps we are somewhat advanced in this our investigation. We have found that all government is based upon religion. That the government of our free republic is based upon the Christian religion, and that it is a part of the law of the land—that in all public education given by the State to its citizens, it is essential that morality, religion and *piety* should be taught—we have found this principle to be recognized by our laws and enacted as a positive statute; and the only question remaining is from what book are we to seek this instruction—if that indeed can be called a question which admits of but one answer—which answers itself. And here I might well pause, if this great point is established—for when this is settled all the conclusions follow, of necessity—but there are many points raised, many arguments advanced, which I must attempt to answer.

It will be said, perhaps, we do not object to your use of the Bible—we object only to the common English version of it. I feel constrained to say that I cannot believe this is the true question. Unless I misunderstand wholly a late letter from the Bishop of Boston, if our regulations required the pupils to

read the Douay Bible together, to recite the Ten Commandments together, to repeat the Lord's Prayer, or chant the Psalms of David together, even although they were to use the text of the Douay Bible, it would be a "brotherhood in a simulated union of prayer and adoration, which his church expressly forbids"*—but this may not be the ground taken by the counsel here, and I will therefore attempt to answer the suggestion that our common version should give place to the Douay Bible. And the first answer is, that as *some* version is to be taken; as the Bible in *some* translation is to be used, as there is a difference of opinion, as to which is the best, the question must be decided by that tribunal to which the laws have intrusted the decision. The school committee are by law required to select and decide upon the question of the books to be used, and they have determined this question. The common version is by an express statute to be read daily, and the committee have used and adopted the same version for all other purposes.

I uphold and justify that decision upon many grounds; and I say first to these gentlemen who are so earnest for toleration, who are so fearful of sectarianism, that I object to their Douay Bible because it is avowedly a *sectarian book*, written and published with that acknowledged object. Our Saxon Bible never has been, never can be sectarian. It is quite worthy of remark that at this hour it has no express sanction of any sect or of any church. No creed can claim it as peculiarly its own; it is the common property, the common heritage of all. Nay more—it is well known there are more real and essential differences of opinion between the various Protestant sects, as to the correct translation of various important texts, than between the Catholics and the Protestants. But for all that, this version is—with one exception only—accepted by all sects of Christians who speak the English tongue, as a translation sufficiently correct—not for sectarian arguments—not for disputes upon points of doctrine—not for creeds or schisms—but for the common and daily use of Christians, for instruction in piety, in morality, and in that pure religion which is high above sects and doctrines, as the stars are above the earth; and for this very reason—because the Christian sects who differ upon so many points, are with

* Letter from the Bishop of Boston to the School Committee.

one exception willing to unite upon this version—is it fitting and proper that this should be adopted. It was the English Bible centuries ago. The descendants of Englishmen still cherish it. It has been the American Bible for centuries also. The Catholics who have emigrated found it here when they came, found it here as the people's Bible, found it here in the schools which they came to share with us. These reasons alone should be sufficient, but there are other reasons for the use of our Bible which will, I am sure, appeal to the heart and the brain of every foreigner who sends his children to our public schools.

I appeal to their gratitude now, to their sense of honor now, as I would appeal to their generosity, if it were necessary, and ask them if they would wish to come here to share our freedom, to ask our hospitality, to enjoy the liberties,—the free education—the institutions which our fathers purchased at such a price, and then take our Bible away? It was to read that Bible in safety that our fathers came to this cold and barren shore—that Bible lay in the narrow cabin of the “May Flower”—it was the only star that shone for the Puritan in that long night of toil and strife and famine, which well nigh ended in despair. It was with hands clasped above that Bible that Washington prayed in his tent, through those seven long years of doubt and distrust, when the “God of Battles” alone sustained him. It has been the household god of the school-room from the infancy of the country. The schools which made us free, which will make worthy and true citizens of your children, have grown up under its influences. And will you take it from us now?

It is difficult to discuss this question calmly. I imagine that feelings which it is best not to express, are aroused in the heart of every American who is told that we must justify or defend the use of our old Saxon Bible. I will not trust myself to express them. I will ask for any reason for rejecting our common familiar version and for substituting another in its place. If this were a fitting time or place, I should be very willing to discuss the comparative merits of the two versions, either as literary productions, or as faithful translations. The Douay Bible has its history too, of which I should be very willing to

speak if it were proper to do so, but this is not a suitable occasion.

May it please your Honor, I ask now for a single candid objection to the use of King James's Bible—not the Protestant Bible, but the Christian Bible—the Saxon Bible, which we love. Are the particular portions of it which are used in the schools objectionable? Our children are to learn piety from it, not sectarianism, or creeds; but pure religion, undefiled before God. They are to learn from it piety, a sacred regard to truth, justice, chastity and humanity. Was it from sectarian views that the Lord's Prayer and the Ten Commandments were selected as fit lessons of these cardinal virtues? What sect, Catholic or Protestant, has received the monopoly of these portions of God's Word? What priest or preacher can call them his own? Are they indeed offensive to the tender consciences of children? Is it indeed dangerous that they should hear or repeat them? I am inclined to believe that no one who has heard the evidence of the father or his boy, would be willing to say that it is either unnecessary or very dangerous to repeat to either of them the divine injunction, "Thou shalt not bear false witness." Does bishop or priest dare to say that it would be dangerous to repeat to the children those sacred portions of the Bible?

Can it be that even bigotry and fanaticism would take exception to the prayer which Christ taught us—to the tables of the law which Jehovah himself gave to his children on Mount Sinai? Is it one of that order of priesthood which has assumed to itself the name of the "Society of Jesus," who has found it a necessity of Christian duty to forbid his followers from repeating the Lord's Prayer? Has he forgotten that it was Jesus who said "*suffer little children to come unto me and forbid them not.*" Jesus who bade his disciples go forth into every land and teach the Gospel to every creature—that he dictated to his disciples the lofty worship, the simple and pathetic beauty of that miraculous prayer, in which all the nations of the earth might together lift up their hearts to God without remembering any distinction of sect or race or creed? Subtle and artful as men have been in raising doubts, untiring as they have been in creating differences of opinion—no sect, no dogma, has yet been founded upon that marvelous, that inspired prayer, which in its divine

sweetness and purity embraces in itself the whole Christian religion, and the universal worship of God—that simple but sublime prayer in whose thanksgivings still linger the tender tones of a gentle mother’s voice teaching it at eventide; the sweet, natural music of home. Was that priest unwilling that his flock should unite with the children of heretics, and joining their hands and their hearts, say with them, “*Our Father* which art in Heaven, hallowed be thy name?” Was he unwilling that the children of the Huguenots and the Puritans—the children of those Protestants who remembered the mountains of Piedmont and the Waldenses—who remembered the night of St. Bartholomew and the fires of Smithfield—should join with his flock, and say “forgive us our trespasses as we forgive those that trespass against us?”

But it is said there is a difference between the Catholic and Protestant version of this prayer. I have not forgotten it; it will be very long I think before I shall forget it, or forget that in the book which was produced here in court; the hands of some little fanatic, who had been taught hatred and bigotry under the name of Christianity—or of some priest who feared for the tender consciences of his flock, had carefully and industriously obliterated the closing words of the prayer, “For thine is the Kingdom, the power and the glory forever. Amen.”

Are those reverential ascriptions of praise dangerous and heretical? Is the worship which acknowledges our Heavenly Father as the source of all power, as the Ruler of the Universe—is that worship to be denounced and proscribed by one who calls himself the priest of the living God? Was it for this that he gathered the children of his flock together, and by threats of a shameful exposure from God’s altar, persuaded them to violate the laws of their country—persuaded them to rebel against their teachers—persuaded them to sacrifice the great gifts of education?

How vain and how shallow are such pretences. How trifling and immaterial are the verbal differences which are now insisted upon. Does any one fail to see that this movement is only a settled, and determined, and preconcerted opposition to our Holy Bible? Does any one fail to see that it is because the prayer is read with Protestants, that the Catholic children are forbidden to join in it—that the Catholic priests are resolved to

banish it from our schools? This is the ground which the Bishop of Boston has openly taken in his letter to the school committee, and although we can see that the counsel for the prosecution will not be bold enough to take it here, we can all very plainly see that it is the great and the real objection.

Can there be any more sincere ground of complaint because the children were called upon to repeat the Ten Commandments? Are the lessons of piety and morality which they teach offensive to the conscience or sinful to hear? Have these divine commands lost any thing of their obligations in the progress of civilization? Has their sublime morality lost its virtue? Is there one commandment which to-day any Christian of any sect dare disavow?

Over three thousand years ago these tables of the law were delivered from Mount Sinai by our Heavenly Father—when the “mountain burned with fire into the midst of Heaven, with darkness, clouds, and thick darkness”—when Jehovah said unto Moses, “Gather me the people together and I will make them hear my words, that they may learn to fear me all the days that they shall live upon the earth, *and that they may teach their children.*”

Has that divine injunction lost its force? Is it useful at this hour to teach those divine precepts? Would it wound the tender consciences of children to be taught those ancient and holy commands? Is any intelligent Catholic parent really unwilling that his child should repeat them? Who that has watched the signs of the times—who that has watched the winds, and the waves, and the dark clouds which drift along our stormy sky, fails to see the object and end of all this movement? No, no, there is no fear for the consciences of the children; the real objection is to the Bible itself, for, while that is read daily in our schools, America can never, *never* be Catholic. I am told that the most zealous of English Catholics acknowledge that England can never be Catholic so long as they keep their Saxon Bible. Of its power over the hearts of the people, an Englishman has most truly and eloquently said: “King James’s version lives in the ear of a Briton, ‘like music that can never be forgot, like the sound of church bells, which the convert hardly knows how he can forego. Its felicities seem to be almost things, rather than mere words. It is a part

of the national mind, and the anchor of national seriousness. The memory of the dead passes into it. The potent traditions of childhood are stereotyped in its verses. The power of all the griefs and trials of man is hidden beneath its words. It is the representative of his best moments, and all there has been about him of soft, and gentle, and pure, and penitent, and good, speaks to him forever out of his English Bible. It is his sacred thing, which doubt has never dimmed, and controversy never spoiled. In the length and breadth of the land there is not an English Protestant with one spark of religiousness about him whose spiritual biography is not in his Saxon Bible.'” Yes, all that is true! True for Englishmen to-day, but how much more deeply and dearly true for us?

Of all the wealth of happy England, of all their birthright and inheritance this sacred book was all that our ancestors brought with them to these, then barren and unkindly shores. They left behind them their lands, their wealth, their titles, their kin, their country, and the sweet memories of home. It was to read this Bible aright; to learn from it the mysteries of the living God, that they gave up all which man holds sweet and cherished; and does any one dare now to hope that this Book will be driven from our schools? Never! *never!* The sun may turn back in its course, the stars may fall as the leaf falleth from the vine, and the heavens may be rolled together as a scroll, but until we have sold our birthright of freedom, never, *never* will the descendants of Englishmen consent that the Saxon Bible shall be banished from their free American schools.

But I may be told that our fears are groundless, that they do not object to our Bible, but to the particular use made of it in this particular case. We are not to be deluded by such specious arguments. We well know the foe with whom we deal; they will be content with any step in advance, if it be but the thousandth part of an inch, and bide their time for the next step.

This is no time for timid concessions, no time for politic compromises; the enemy are to be met at the gates. We see through their plans and strip off their plausible disguises. I repeat that their objection is to our Bible, our whole Saxon Bible, and they cannot consistently stand upon any other

ground. Why do you object to the Lord's Prayer, and to the Decalogue, and the reading of the Scriptures? Because you say "it offends our consciences." "We believe it is not the true version of the Word of God;" that version is "used as a means of attack upon our tenets." "The form and words are offensive to the conscience and belief of the Catholics." Be consistent now, gentlemen, if you object to reading that Bible or reciting from it. Is it because it is offensive in form and words to your Catholic consciences? Will you be any better satisfied then if it is daily read *to* your children by their teachers? Will any bishop, any priest, tell me that he is *willing* to have that *untrue* version of God's word, so offensive to Catholic conscience and belief, read daily to his flock by their heretic teachers? No, if it is intolerant to ask the children to read or recite that Bible, it is intolerant to read it to them; if it is intolerant to ask them to recite the Ten Commandments, it is also intolerant to teach them. If to ask the Catholic children to join in repeating the pure religion, the simple and pathetic supplications of the Lord's Prayer, offends their consciences, then any instruction in piety from a Protestant is offensive, and the Bible must be banished forever from our schools.

Concede the first point, that you are bound to excuse Catholic children from reciting from the Bible, and you are bound to concede that they shall not read it. Concede that they shall not read it, and you are bound to concede that it shall not be read to them. No other course is possible if the first false step is taken, and no one sees this so clearly as the priest who has so rashly commenced this attack upon our institutions. I appeal from bishop and priest, to the unfettered intelligence of our adopted citizens; I appeal to the countrymen of Burke, and Sheridan, and Grattan, and Curran. Do you, who wish to become American citizens, you who wish to draw closer the bonds of a common country and a common freedom, fear that your children will suffer because they, with united hands and hearts, lift up their tender voices in common prayer to that God who is the Father of all, whose rain falls alike upon the just and the unjust, who is the God of all nations, of all races, all climes?

I repeat once and forever, that there is not any sectarianism intended or taught by the use of the Bible. We do not ask

your children to adopt our translation as the true one. If any point of doctrine arises upon any text of our Bible or theirs, they are free in their faith as we are in ours. They are instructed to interpret the second commandment in one way, and we in another. No one wishes or seeks to disturb their faith; we do not ask them to say or to believe that ours is the true word of God, or the best translation of the tables of the law which God delivered to Moses. Our teachers, in their great duty, teach lessons of piety from the *only* source from which it can be taught, and the children are free to believe or disbelieve them, free to worship God according to the faith of their fathers, free in their faith, free in their consciences.

I repel altogether the specious pretence that our Bible is not *the* Bible, because the translation differs in some particulars from the Douay Bible. Every translation from the original Hebrew and Greek must of necessity vary—must of necessity be more or less perfect, according to the accuracy and perfection of the language into which it is translated, and the learning and skill of the translator. The Holy Scriptures have been translated into over two hundred different languages; but they are always the Bible. Not the Bible of the Catholic or the Calvinist—not the Bible of the Methodist or the Episcopalian—but the Christian Bible.

As well may we be told that God's eternal sky is not the same. It clothes itself with vanishing, ever-changing beauty from season to season, from hour to hour. It robes itself in the tender violet hues of spring, the deep, cloudless transparency of midsummer, and the dark, steel-blue of a northern winter. It arrays itself equally in the delicate rose and opal hues of dawn—the imperial purple and gold of sunset—and at midnight it wears its royal robes of state, all flecked with countless stars; but in all changes—in all climes—it is always God's eternal sky, the same sublime image of that wondrous eternity which lies behind us, and before us—the same holy symbol of the all-embracing love of our Heavenly Father.

And now may it please the Court, I have but to sum up this part of my argument in a few words.

They say that the regulations of the school committee violate the Constitution, which protects all citizens in their liberty of conscience. I answer that their conscience is left free—they

are not called upon to believe or disbelieve any thing. Their faith is their own—we do not ask them to yield one iota of it. They may find offence in our laws, and in our customs. That is always the consequence of general laws. They found us with these institutions—they have accepted the benefits of them—they must bear with the inconveniences also. And, I say it in all kindness, but it is proper it should be said, there are many causes for offence which Protestant parents also find in the laws which compel their children to mingle with the children of the Catholics. Let us hope for mutual forbearance and mutual submission to the laws.

And now, may it please your Honor, that I have briefly discussed this great question in the cause, there is another issue which it is my duty to meet. This case has been planned and arranged with a great deal of artifice, the snare was very skillfully laid, but I think I shall be able to give Father Wiget good reason to regret that he selected this as the time, or the place, or the manner of taking his first step in the great movement of expelling the Bible from our schools. It is my duty to expose this artifice, and it is an easy task; in doing it, I shall also prove, beyond all possibility of question, that this is not a case of conscience or of scruples of conscience. The truth is, that a very cunning plan was laid, the object of which was to have a boy whipped for his religion, in order to raise the cry of religious persecution, as I will presently prove.

I cannot admit that the pretended objections raised by the Catholic pupils are “not mere fetches and pretences devised for the purpose of creating a difficulty.”* This case fortunately, very fortunately, is full of conclusive evidence to the contrary, and I beg the attention of the Court to it. No one can fail to remember the manner in which this cause was originally brought before the Court. It was pretended that an intelligent and interesting little boy, religiously educated, was bidden with threats to violate his tender conscience; that in vain he pleaded the commands of his parents, the solemn lessons of his religious instructor. His prayers and appeals were all in vain; he was ruthlessly beaten until his wicked persecutors, frightened and shocked at their own cruelty, ceased

* Letter from the Bishop of Boston to the School Committee.

their stripes, and endeavored to hide the bleeding evidence of their pitiless tortures. Has your Honor forgotten that picture of religious fanaticism and persecution, that touching picture of the infant saint and martyr? I am half inclined to believe that my learned friend, who opened and tried the case so ably and so well, had worked himself up to the faith that this small citizen had the already sprouting wings of a cherub under his waistcoat. He was a saint in embryo,—a small sized martyr in jacket and trowsers. I confess that I could not but sympathize with my friends, when all the poetry, all the picturesque charm and color of this picture was banished so rudely, on the last day of the trial. What a shocking blow was given to our sensibilities; what a ludicrous “behind the scenes” appeared when we heard that this small saint, who was willing to be “kilt” for his conscience,—who vowed with infinite pathos that he would never be a coward to his religion;—when we heard that this very small and somewhat dirty little martyr was out in the streets where the boys were playing marbles declaring with the true fervor of a pious Catholic, “Faith and I warn’t agoin to repate thim damned Yankee prayers.” What a very abominable and altogether absurd little cherub to be sure. I would have given money for one peep into the breasts of my friends on the other side, at that precise moment. I wonder if, as they heard the poetry of their case, the glory and the beauty of their dream, vanish forever in the irrepressible titter which no one in the court house could resist, when that evidence was given,—I wonder if they did not say to each other, that Father Wiget’s bread and butter saint ought to have been whipped once more, and more thoroughly. This, may it please your Honor, is the delicate, the tender, the more than feminine purity of conscience, which cannot submit to say “hallowed,” instead of “sanctified,” which does not revolt from the words of our “Ten Commandments,” which accepts them all, acknowledges them all; but flies as from impurity, which shuns as sacrilege the repeating those very words, unless they are *divided** according to the holy dictation of Father Wiget.

* Wall testified that his objections to the commandments was because they were not *divided* as the Catholics divide them.

What volumes of the benignant teaching of the Jesuit, what touching pathos, what sweet infantine love of God, what tender delicacy of conscience, spoke in those words, "Faith and I warn't agoin to repate thim damned Yankee prayers." Was it for that pious ejaculation that Father Wiget gave the boy his symbolic medal of brass, whitewashed with silver, in that very memorable interview at the Jesuit's house, of which the boy, although it took place but the night before he was called as a witness, was really unable to remember a single word excepting the important, the saintly, the pious instruction to "go home to his supper?"

I have a few words to say as to this boy and his father. There is a very material question of veracity to be settled between them and the teachers of the school who have been called as witnesses. If I am able to prove them wilfully false, your Honor will be compelled to admit there was a *great motive* for the falsehood; if they are proved to be wilfully false, no one can dare to say that this is a case of suffering for conscience sake; if they are proved to be false, and the teachers are relied upon, then, not only is this case at an end, but a plot is exposed which must excite the indignation of every hearer.

I remember, Sir, that I was assailed somewhat rudely by the able and eloquent senoir counsel, who told us that after my terrible cross-examination of his rather blasphemous and very profane little saint he nearly or perhaps quite fainted away. Perhaps it was the attempt to find out and confess what that very suggestive and significant and quite symbolic whitewashed medal was given to him for, which weakened little Saint Tom's tender frame. I remember that it was a question very general—very pertinent—very often asked—never answered—a question which has been asked a great many times since by persons who take an interest in this trial—What the priest *did* give that medal for, the night before the boy was to be a witness? This was on the first day of the trial. May I ask my eloquent friend, if that very interesting and quite painfully honest little martyr fainted away after that other very striking scene in court, on the *last* day of the trial, of which he has not yet spoken? I desire to recall that scene, with somewhat of form and precision, to the mind of the Court, for a flood of light is thrown from it all

over the case—over the manner in which a religious persecution question—a question of suffering for conscience sake—has been gotten up (in a very bungling, and very stupid manner, I must be allowed to suggest) by the pious Jesuit of St. Mary's. It cannot be forgotten that we had proved by the testimony of the respected principal of the Eliot School—Mr. Mason ; by the young lady assistant in his room—Miss Marsh, whose intelligence and candor spoke in every line of her fair face—that the father of the boy, when he had been dismissed, the Monday previous to the day of the rebellion, had brought him back, and heard from Mr. Mason a full explanation of the rules of the school, and of the precise differences between the Catholic version of the Ten Commandments and that which was printed in the boy's books. It was proved that he ordered his boy to say them, and directed his teacher to punish him severely if he did not obey ; that he took pains to say that *the boy was not to be sent home*, that he was not to be expelled from school, but was to be made to say the Commandments, and to be punished severely if he did not. I am quite sure that no one who heard these witnesses, no one who heard the very long and elaborate, and very skilful cross-examination to which they were subjected, could doubt for one moment their entire truth. It was with a good deal of surprise, I think, that your Honor heard the boy and his father called to contradict this clear and positive evidence. And yet they had the folly to come upon the stand and wilfully and audaciously to deny it altogether. I believe that no one who heard them, no one who witnessed that scene when, more plainly than I ever before saw it in a court of justice, deliberate perjury was proved out of their own mouths ; when the boy, conscious of his falsehood, stood mute, but confessing his crime by his silence, with the fraud and the crime so obvious, so awful, that in those moments of suspense you could hear the very silence in the crowded court room—no one who heard the boy that day, would say that it is unnecessary or would be useless to repeat weekly or daily to *that son of that father* the awful command, "Thou shalt not bear false witness."

I have read some pathetic histories of persecution for conscience sake ; I have read of martyrs whose meek and saintly

demeanor drew from their enemies tears of rapturous admiration—martyrs who died in sublime self-oblivion, died in fiery coronation robes, when the rolling smoke, crimson-tinged, floated far up the sky, vanishing in heaven as the pang and the horror vanished also in the victory that swallows up all strife.

I fear that I am so much of a heretic that I cannot persuade myself that this boy is a martyr, and I do not think he looked like a martyr or a saint when he was so plainly exposed in his falsehood.

I am afraid that I do not appreciate with a sufficiently keen sensibility the religious side of this present persecution for conscience sake. I am afraid that I am liable to a conviction for holding the very heretical and abominable doctrine, that this very interesting Wall and his very interesting boy, are terribly given to “drawing the long bow,” and that their pretended tenderness of conscience is mere moonshine on the water.

This question whether Wall and his son are false or not, is very vital to this cause, as I will presently show; and I therefore ask the Court to remember the father’s evidence now as well as the boy’s. The Court will remember that it was proved that this boy, and the other Catholic boys, had been in the habit for years of repeating the Ten Commandments without objection—a very material fact bearing upon the same vital question, to which I am presently to ask your Honor’s attention. I have not only proved that this boy had done so, but that in particular, since September last up to the week of the rebellion, he had done it constantly; and yet in the face of this proof, the boy dared to stand up here and swear boldly under “medal,” or other influences, that he had never once repeated them. His father dared to swear to the same thing, and he swore that for the last six years, ever since his boy was four years old, he had forbidden him to say the Protestant Commandments. I was satisfied that Wall was telling a deliberate falsehood and I desired to make it apparent. I therefore in the cross-examination put the questions which I think your Honor will very well remember.

“Had he really been obliged to tell his son so?”

“Sure he had, and he and the priest both had forbidden his boy to say them, a thousand times.”

"What, a thousand times?"

"Yes, faith, and *more* than that, five thousand times over, he forbid him and *me* both."

"Let me remind you that you are on oath, Mr. Wall, before you repeat that."

"Faith and it was *over* five thousand times."

"What, you yourself have been forbidden five thousand times by your priest, to say the Ten Commandments?"

"Yes, and indeed I have, and more too."

"Well now, Mr. Wall, please to remember that you are upon oath, and tell the Court of even *one* time when any body asked you to say the Ten Commandments, and when it was necessary even *once* for the priest to forbid you?"

Wall was in difficulty. "Oh! that's no matter," said he.

"Pray tell me, Mr. Wall; name *one* time out of the five thousand."

"Oh! I didn't mind when it was," said he.

"Can't you tell *once* out of all the five thousand?"

A light of inspiration suddenly flashed upon him, and then with a cool impudence, and a ready lie—which he enjoyed as much as any one—which no one could hear without a smile:

"Faith, it was in the *ould counthry* they did it," said he. He evidently thought he could get out of the way of cross-examination, if he could but take refuge in his native bogs. But it was all in vain.

"So it was in old Ireland that you were told five thousand times by your priest that you must not say the Ten Commandments, was it?"

"To be sure it was, your Honor; who ever supposed it was any where else?"

"But who asked you to say the Protestant Commandments there?"

"No body asked me to say them; we weren't bothered with thim things there."

"But the priest told you five thousand times to be sure and never repeat the Protestant Commandments?"

"To be sure he did; ain't I telling you so?"

"But why should he tell you *not to*, if nobody asked you to say them?"

He was evidently stuck in his own native bog. But it was only for a moment. With the same gusto, with the same enjoyment of the lie that helped him, as he thought, out of his difficulty, he said: "Wasn't it thim botherin' tractmin, to be sure?"

"Oh! the tractmen wished you to say the Protestant Commandments, did they?"

"To be sure they did."

"What, nothing else but the Commandments?"

"To be sure not."

"And did they really ask you five thousand times to repeat them?"

"And *more*, too, for the matther of that."

"And the priest forbid you all of five thousand times to repeat them?"

"That he did, to be sure."

Poor Wall, no wonder he emigrated, with five thousand Protestant tractmen at one ear shouting the "Ten Commandments," and five thousand priests, shaven and shorn, at the other, shouting to him: "Be kilt for your religion, man." No wonder he was obliged to emigrate. That is a specimen of his evidence, and I am forced to say that may be Catholic honesty, but it is what we should call very like downright Protestant lying.

But it was a darker, sadder scene than that, when in narrating what was told him by his boy, he stated what we all knew to be false, deliberately, wickedly false. The boy was called to the stand immediately—and there they stood, father and son, convicted of falsehood, convicted of crime—without escape—without excuse—without any possibility of evasion, even through the readiness of Irish wit. I am sure that no one who witnessed that scene will ever forget it. It was a dark and fearful commentary on this fetch and pretence of a tender conscience which would be violated by the Lord's Prayer, which would be sullied and stained by God's holy Commandments.

I turn from that dark scene to ask several questions which, as I said, will throw a flood of light upon the darkness of the case. *Why* was it that on the Sunday before the boy first refused to say the Commandments, a few parents and only a few boys were gathered in a basement room in that Jesuit

Church in Endicott Street? Why was it that this boy *alone* on the next day refused to repeat the Commandments which he for months and years had repeated without a murmur? Was it in order that he might be *whipped*? Was it in order that the Jesuits might raise the cry of religious persecution?—might under that cry arouse public feeling, and drive the Bible from the schools?

If so, they were disappointed. The boy was not whipped; he was simply told that he must obey the general regulation, or he must bring his father there and have the matter explained. He was sent home. That was on Monday. He did not return, as his father swears, until Wednesday. Why was that *delay*? Was there any consultation with the *priest* going on? What followed is very strange. The boy is brought back. The teacher is told with great care—and the injunction is repeated—that the boy must say those very Commandments. He is told that the father wants *the boy kept at school, and not dismissed* if he refuses to respect the commands; but that he must be punished, and punished severely, if he refuses. How did the father know *beforehand* that the boy would refuse? Why did he wish him *punished severely* if he did? No one can fail to see through all this. We see that this was no accidental whim of one parent or one child—it was a deliberate, a concerted plan, in which all were to join, and this strange conduct of the boy and the priest and his father show that their object was to catch the teachers in their snare and compel him to whip the boy.

Do not forget upon this very point the *significant* evidence that the boys said they intended to refuse to repeat the Commandments, and that they *expected* to be whipped and expelled from the school. The rest of the story is soon told. On the following Sabbath, the same priest instigated nine hundred pupils to break into open rebellion. The boys go to school, they stamp on the floor and make a disturbance by whistling, loud mutterings, and scraping their feet while the Lord's Prayer is repeated. This Wall boy makes himself the *most forward*, he is the ringleader to whom all the other boys turn. He cannot be sent away, for his father earnestly requested that he should be *kept in school and punished severely*.

I think we begin to see the clouds breaking away a little. I think we understand something about the reason of those mysterious visits after dark to the Jesuit's house, the night before the boy was to be a witness. I think we begin to know now how it came to pass that the father should *know* beforehand that the boy would refuse ; why the father was so *anxious*, and why he called the *second* time to repeat that he wanted the boy *kept in school and punished severely*.

I think we understand now the meaning of that significant confession which I extorted from the boy, that he was angry because his hands were bathed in cold water, after he was whipped, because he *wanted* to have them all swollen and looking as bad as he could. I think *now* it is no longer our unanswered question, *why* was that medal given by the Jesuit Wiget, to this boy alone, among all the nine hundred boys ?

Can any one doubt *now* that it was the deliberate intention of this Father Wiget and his accomplices, to break up the regulations of the school ? That it was their wish and expectation that one or more of the boys should be whipped ? Can any one fail now to see the reason of the evasions, the quibbling, the falsehoods, and the pretended forgetfulness of the boy and his father ?

This plot was beautifully arranged. This play of the " Saint's Tragedy," was put upon the stage with a great deal of scenic effect ; but now that we are fairly got behind the scenes and see the wire-pulling and the scene-shifting, it looks a little absurd—does it not ?

I very respectfully beg to leave this part of the case, with the parting advice to Father Wiget, that the next time he gets up a sacred drama for public exhibition in our courts, he would remember there is an American institution called cross-examination, which sometimes operates as a " free pass " behind the scenes. I would also affectionately caution him to waste no more medals on doubtful saints, or on those precocious but profane little martyrs, who are ready to die for their religion in the school-house, but in the streets, " Aint agoin to repate thim damned Yankee prayers." If any one now believes in the purity of conscience of this boy and his father—if any one really believes that they are any thing but the willing tools and

accomplices of more artful men, I have nothing further to say. I have exhibited now the background of the picture, and I think no one will fail now to see or understand who are the real criminals who have usurped the place of accusers.

There are many points that I wished to touch upon which my brief argument does not allow me the opportunity to discuss, but there are two or three which I must not wholly pass by, although I cannot argue them fully.

It is said that all are taxed for the schools, and all should have equal rights in the schools. All are not taxed equally to be sure, but all do have equal rights here. The same regulations apply to Jew and Christian, Protestant and Catholic—the same benefits are given to all, the same burdens are borne by all.

It is idle to say that the Catholics do not have equal rights because we do not give them *supreme* rights; that they do not have equal rights because they cannot, at the will of their priests, compel us to forbid the use of the Bible in our public schools.

This question, however, has been so fully determined by the authority of the case of *Donahoe vs. Richards*, in the 38th volume of the Reports of the State of Maine, that it is no longer necessary to argue it.

Your Honor is familiar with that case; it is an authoritative determination of our courts of law that the Bible can be used in schools without infringing upon the liberty of conscience. I cannot but say, however, that I regret that the decision was not placed upon rather higher grounds. It seems to me that we are to meet this question, not upon the ordinary level of the plain and simple rules for ordinary school discipline and the selection of common school books. It is to be met upon the sunny and serene heights of the law, where the grand principles of the science of jurisprudence soar far above the customs and the usages of a busy mercantile world—where the great primeval truths, which are the foundation of government, of society, of morality, alone are taught—where law and religion walk hand in hand.

It is said that the children are compelled by the statute passed in 1852 to attend school. If I have maintained my proposition,

that nothing illegal is exacted of the pupils, if their freedom of worshipping God, in their own manner, is not taken away, then the objection is immaterial. It should be noticed, however, that the law is by no means so strict as has been supposed. It was intended to prevent vagrancy and crime. No child has been obliged to attend school who has already learned the studies commonly taught there; no child need attend school who is taught at home; no child need attend school who is too poor; and above all, any child can attend any school of any kind that his parents may select.

And now in closing, there are few words more to be spoken. It may be said, it has been said, that this question is met with too much of earnestness and zeal. I trust that it will never be met otherwise. It is too great and too vital a question to be passed by lightly. I would wish indeed to avoid all that can give offence, all that can cause heart burnings or alienation to the emigrants whom we admit as free citizens; but they must remember that they come to *learn* as well as to enjoy our institutions. They must submit to hear very plain speaking on questions so sacred, so vital to our whole country as this.

They know not what they do, or they would never dare to attempt, as they have done, to violate our household gods. This is no question of politics or for politicians—the people will never intrust it to them. It is a question for every fireside, for every heart. I know that there is not a mother throughout our land, from one ocean to the other, who did not feel a sudden thrill of indignation and horror when she first heard that the Catholics were attempting to drive our Saxon Bible from our free schools. Little do they know the spirit of American liberty who think that this can ever be accomplished. Timid men may be found to consent to submission,—politicians may be found who wish to conciliate foreign voters—thoughtless men who do not reflect upon the great interests of their country,—but there is a united will and power of the people which if this movement is persevered in they cannot fail to know,—and I dare to say to all, to bishop and priest and emigrant, that until liberty ceases to be any thing but a shadow and a name, that Saxon Bible will be the companion of the American freeman—his pillar of cloud by day, his pillar of fire by night.

The Saxon Bible at the cradle of the new-born infant, by the death-bed of the gray-haired father ; the Saxon Bible on the mother's knee as she teaches her child to join his little hands in prayer, and lift his heart away from earth, away from its hopes and fears, its joys and sorrows, to his Heavenly Father ; the Saxon Bible in the statesman's closet, and at the poor man's hearth ; the Saxon Bible in the child's free school, and the child's free heart. Never, *never* can man or priest put asunder those whom God has joined together. Banish the vain delusion forever that our Saxon Bible can be taken away ; neither foreign tyrants or foreign priests will ever have that power. Until America ceases to be a republic,—until the warnings of Washington and the wisdom of Webster are forgotten,—until the sacred traditions of the past have perished,—until the memories of the dead have passed away like a dream,—until religion and freedom are banished from the land, it will remain as the rule and guide of our faith, the Great Charter of our liberties.

1661 Thomas. C

Q

RELIGION IN PUBLIC INSTRUCTION.

BACCALAUREATE ADDRESS,

DELIVERED BEFORE

THE GRADUATING CLASS

OF

ANTIOCH COLLEGE,

YELLOW SPRINGS, OHIO,

JUNE 20, 1860.

BY

THOMAS HILL.

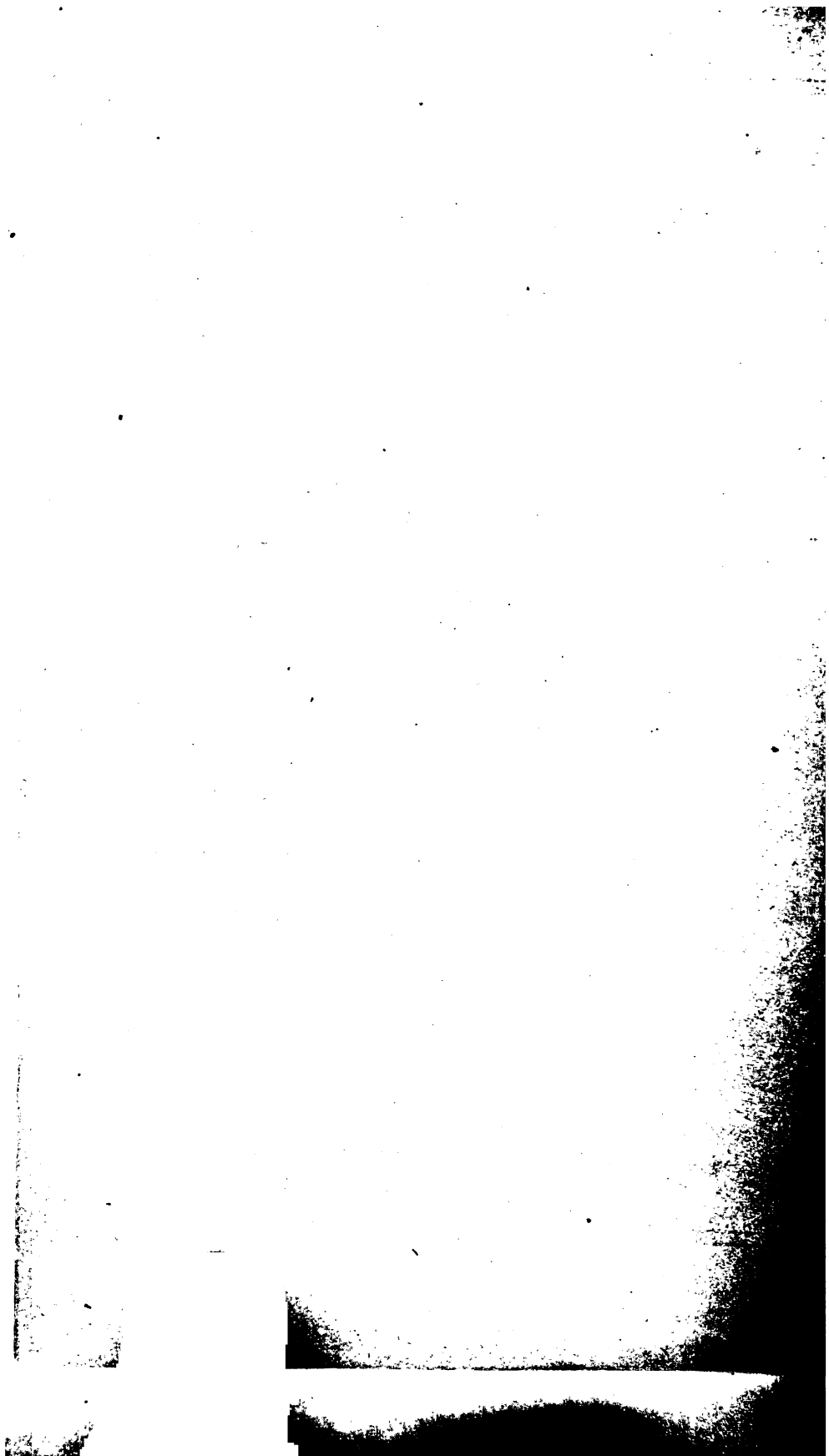
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A D D R E S S .

I HAVE long felt that the greatest need in our systems of education is the need of well-established principles in regard to the selection of a course of studies. Could we determine upon sure grounds, what are the fundamentals of a liberal education, and in what proportion they ought to occupy the student's mind, the theory of instruction would have a firm basis, and we could rapidly advance towards perfection in the practice. In the hope of stimulating more effective laborers to work upon this problem, I have frequently recurred to it upon public occasions, treating of various parts of it according to the demands of the hour.

I propose, to-day, to take up the inquiry, To what extent and in what form should Religion enter into the scheme of public instruction? Shall our public schools be thoroughly secularized, and religious instruction be reserved exclusively for the Sunday school and the pulpit? Or shall our schools become sectarian, and indoctrinate the pupils in the tenets of that

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sect to which a majority in the school district may chance to belong? The questions of Bible or no Bible, of King James' or the Douay version, now agitating in some parts of our country the public mind, are but parts of this greater question, whether in our schools we are with the "positivist" to ignore God, with the Atheist to deny his existence, with the Pantheist to dream that we ourselves are God, or with the Hebrew, to reverence and adore Him.

Religious questions, being by universal consent the most vital of all, naturally engender most heat in their discussion. In proportion as a subject appeals to deeper and more vital parts of our nature, we feel the more interest in opinions upon it, and cling with more tenacity and earnestness to our own conclusions.

This is evident, not only on a comparison of religious questions with others, but on a comparison of any two branches of the great hierarchy of sciences, or indeed, even upon a comparison of the different classes of study in each branch; as I might readily illustrate by all the great contests upon disputed questions in mathematics, physics, history, politics, or religion. The heat of the battle has always been proportioned to the elevation of the subject in the hierarchy, or to the relation which it bore to metaphysical and religious questions. Those questions which have referred only to space, to what is external to the soul, have never elicited heat in the dis-

cussion, even when they have been incapable of solution. The dispute has in such cases sometimes seemed interminable, but it has not aroused any feeling, at least not any to be compared with the intense zeal of the politician, the fierceness of metaphysicians, or the bigoted fury of theologians.

I am therefore aware that in approaching this question, of the place which religion should hold in a course of public instruction, I am approaching dangerous ground. It may be impossible for me to consider it without myself betraying a feeling that may seem inconsistent with impartial judgment, or else exciting feelings in others which will prevent some from seeing my errors if I err, and others from acknowledging the force of my conclusions if I arrive at truths.

Suffer me, therefore, to leave, at first, the path in which I propose finally to approach those conclusions; and to discuss, for a few moments, the question, To what extent and in what form should geometry enter into a course of public instruction? By thus going to the opposite end of the scale of sciences, and discussing the question with reference to the simplest and most elementary science, we may arrive, perchance, coolly at principles which will be found applicable at every point of the scale, and which may guide us safely when we approach the more exciting question of religious instruction.

Shall we admit geometry into the ordinary course of

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public instruction, or shall we reject it? Of course we shall admit it. But upon what grounds? I answer, because it is a fundamental branch of the hierarchy, and the knowledge of any thing whatever implies some knowledge of the truths and relations of space. To what extent shall we admit it? I answer, that it should be introduced to a sufficient extent to prepare the student for all the studies in the public course, at all dependent on geometry; but it must not be pursued to an extent sufficient to crowd out or exclude the studies for which it is a preparation. A due harmony and proportion must be maintained in the branches taught, and in deciding what this due proportion is, we must take into account the length and breadth of the curriculum, and the native powers and peculiar circumstances of the individual whose tuition is under consideration.

Then, in what form shall geometry be introduced? — as abstract science or as practical rule? — in theorems or in problems? and if in problems, shall they be solved by construction, or by calculation and analysis? I answer, that the method of nature is to rise from examples to principles, and that geometry should be presented first in concrete form to the eye and to the imagination, and made a matter of construction; afterward the pupil should be lifted up to a scientific and even to a metaphysical view of the abstract relations of space. The proportions in which these modes of presenting geometry should be em-

ployed, will vary with the length of the curriculum, or course of studies, and be adapted somewhat to individual circumstances, but the ruling principle will always be the same, namely, to give so much and such geometrical training as will prepare the pupil, as well as his powers and his circumstances will admit, for an understanding of the full circle of sciences, and thus for the fulfilment of all the duties of his station in life.

The answers which I have thus given concerning the science of geometry will be acknowledged, I think, by all educators to be, in the main, sound; and the practice of all schools and colleges in the world is in essential conformity thereto. In some institutions geometry may be neglected, in others overcultivated; in some treated too abstractly, in others made too much a mere matter of drawing with compass and ruler; but all this arises from errors of judgment in applying the fundamental principles of education to the question, and not from any doubt concerning the principles themselves.

Turning now to the main object of my discourse, I ask, Shall religion be introduced into the course of public instruction, or shall it be utterly excluded? And the answer seems to me plain, that we must admit it. Even in an intellectual point of view, theology is one of the fundamental branches of the hierarchy of sciences, and so completely interwoven with the rest, that we do not and cannot fully com-

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prehend any one of them, until we have traced it in its relations to theology.

Begin with the simplest of all branches, the mathematics, and a moment's reflection will show how utterly worthless they are in every other light than this, that they alone give us a knowledge of the exactness of God's thought, and alone are capable of demonstrating to us, from the manifestation of thought in the creation, the necessity of supposing the existence of a Thinker. In using the mathematics for this purpose, of discovering the harmonies of creation, and for testing the infinite perfection of nature's works, we have the most effective means of improving the mathematics themselves.

Thus, all great improvements in the sciences of space and time have arisen from some effort to solve the problems suggested by the works of nature; and a large proportion of them have been made by those who were stimulated to the solution of these problems by the faith that they thereby came into communion with the thoughts of the Most High.

In like manner, physics are not carried to their true conclusions until they lead us to speculate concerning the origin of matter, and to trace the designs and plans of the Architect of the universe; and, on the other hand, these teleological and morphological speculations have borne their natural fruit, in leading to wider and more exact views of the physical sciences. In illustration of this statement, I would

simply refer to two of the greatest of all names in zoölogy, which is the crowning division of physical sciences; to Cuvier, who was led to his wondrous discoveries by his steady adherence to the axiom, that every organ was intelligently adapted to its functions; and to Agassiz, who could advance beyond his master only by taking a still higher religious view, and assuming that every variation in animal forms, and every succession in those variations, is in fulfilment of one comprehensive plan of the Divine thought.

When we ascend into historical studies, their incompleteness, when treated independently of their relations to theology, is still more apparent. How poor would be the narrative of the growth of the arts of life, if we did not recognize the adaptation of the physical world to the needs of man, and the beneficence of the divine Creator in that adaptation. How unsatisfactory our enjoyment of art, and how defective our survey of the field of æsthetics, did we not perceive here also the tokens of a divine nature in man, which makes him capable of appreciating the mind of God, as manifested in the forms and colors and tones of the material world. The music of nature is adapted to man; and our knowledge of music is not complete until we have perceived this adaptation, and seen that it arises from the kindness of a beneficent Creator. Thus, also, is philology incomplete, unless it leads upward to theology. What

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are the various languages of man but so many barbarous dialects, until the clear light of a religious mind is thrown upon the study of words, and we are taught to hear in the sounds of human speech — so simple in their elements, so infinitely various in their combinations — the proofs of a Divine Providence, and to trace, in the development and growth of languages, the plan of an infinitely wise Teacher, carried out, like his plans concerning the material world, by the means of exceedingly simple but efficient laws? And in the sciences of political economy and law, in the history of governments and of nations, what order or what completeness can there be in the studies of one who does not seek the footsteps of God in history, — who does not recognize the paternal character of God, and the wisdom of his plans for the development of races, as the fundamental axioms of historical research?

Nor, finally, is the study of the human mind complete, unless it leads us to the study of theology, and is guided by the light which is from above. No man can possibly view the human soul aright, who looks upon it either as the highest manifestation of matter, or as the highest possible manifestation of spirit. Then only can we understand ourselves aright, when we find in our own minds feebler glimmerings of that infinite wisdom which guides alike the atoms and the planets, — fainter emotions of that unfathomable love which has filled the universe with its myri-

ads of happy creatures. Then only is the study of the human mind vested with its highest dignity and interest, when we perceive that in studying ourselves, we are studying also Him whom we can never fully comprehend, but who has, both in creation and in the revelation through prophets and apostles, declared that we were made in his image.

Thus self-evident do I hold it to be, that theology is a fundamental branch, the crown and glory of all the hierarchy of sciences, and that no one branch is, or can be, understood in full, until we have traced its relations to theology.

If, therefore, we would have our course of public instruction possess any thing like even intellectual completeness, it must embrace, from the earliest school to the college and university, a proper proportion of religious teaching.

And that proportion is to be found, so far as relates to the simple intellectual question, in the same manner as we find it for geometry. It will be determined partly by the length of the curriculum. Of course we cannot expect, in a simple, common school, to pursue theology, or any other branch, with the thoroughness with which it should be pursued at a university. It will also depend, partly, upon the circumstances of the individual scholar. A boy who intends to pass his whole life in some mechanical trade, or in a store-house, should not be expected to study theology to such an extent as one who gives evidence of an

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ability and a desire to become a public teacher, whether in the schoolhouse or the church. But, with either scholar, the due proportion of directly religious instruction should be determined by this general principle, that sufficient should be given to lead the pupil to see at least the religious bearing of his other knowledge, be that other knowledge much or little,—that he may neither build too much upon an insecure foundation, nor fail to raise the most worthy structure which his basis and his capital will allow.

In like manner the questions in regard to the form of religion may be answered. The statutes of that State in which I passed the first years of my manhood, make it imperative on the teachers of the common schools to teach good manners and morals. This is teaching religion practically. In the earlier years of school life this is right;—it is the course of nature, and precisely analogous to the course which I would recommend in the teaching of other departments of learning. But as the child grows older, it should learn abstract forms of words as well as practical rules; and in colleges, should have a certain amount of direct studies in natural and revealed religion, moral science, and dogmatic theology,—regard of course being had to the general principles before stated, with reference to the amount.

The question may, however, be pressed upon me, concerning the form of religion to be taught; whether

it should be distinctly Christian or not, and if Christian, whether it should be distinctly Protestant or not. If Protestant, shall it be Calvinistic, Arminian, or Pelagian? The usual answers to such questions seem to me founded upon fallacious arguments. The objections to sectarian teachings, and to intolerance of other forms of faith, are valid; but are very generally placed upon what I consider invalid grounds, or at least upon secondary grounds, while more fundamental considerations would more effectually settle the point.

It is frequently said that politics and religion should be excluded from our common schools, and other institutions of public instruction, because they are matters upon which men's opinions are divided; that politics taught in a school must necessarily offend the partisans of opposite views, and religion taught in the schools must necessarily wound the conscience of those whose doctrines differ from those of the textbooks. Others have replied that there are common opinions in these matters, which it would be well to teach; opinions in which all the world are agreed, and which are therefore suitable to be the theme of public instruction.

That such considerations should be only of secondary weight in deciding the great questions under discussion, will be at once manifest when we apply them to the test at the other end of the hierarchy. There are many mathematical and mechanical points, long

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in dispute among the learned, and upon some of them there is not a perfect agreement even to this day. The foundation of all geometry is in our idea of space, and even that is a subject of irreconcilable differences of opinion. The followers of the immortal Kant (and even many of those who in most things else break away from his paths, follow him here), declare that space has no existence other than in the mind of the observer, and some of them further affirm that it is an idea never attained by those born blind. Space, according to these philosophers (and I think they comprise a majority of those who have shown a decided turn for metaphysical speculation), is only a way in which we view things; it is a law of thought, and the proof that it is so, lies in the fact that we necessarily conceive of things as occupying space. Since we cannot even mentally divest ourselves of the idea of space, it must be, say these men, a part of ourselves and non-existent out of ourselves.

On the contrary, many geometricians of the highest ability believe, as all ordinary men believe, in the reality of space external to the mind. To them the doctrine of "the laws of thought," the doctrine that space and time are forms put upon things by the mind, appears the very quixotism of philosophy. It amounts to saying that we know that space does not exist because we cannot help believing that it does exist.

But, while the fundamental conceptions of geometry, while the very existence of its subject-matter, space, is thus in dispute, and the learned world so equally divided on the point, is geometry to be excluded from the course of public instruction, or shall any believer in space hesitate in his public teaching to proclaim his faith, and to utter his protest against the transcendental delusions and errors which have accompanied the growth of transcendental philosophy? Certainly no man would ask it.

Again, there are those who deny that space is the subject-matter of geometry. The French school of positive philosophy say that geometry is the science of measuring extended bodies. Our own countryman, H. C. Carey, in the introductory chapters of his splendid work on Social Science, denies to geometry the name of science. Science, he says, is the knowledge of external nature, and the mathematics is only a peculiar language to aid in investigating nature and recording results. With still grosser ideas, another American writer maintains that a line is an infinitesimal thread, and a point an atom, thus reducing geometry to the science of extended bodies considered as extended.

Does, therefore, any teacher think that we should not carefully guard the student of geometry from supposing that he is studying either material shapes or mere abstract rules of measuring material things?

The like conclusion, that the mere fact of the ex-

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istence of differences of opinion concerning a science, does not unfit it to take its place in a course of public instruction, might be drawn from all the other sciences. We frequently find men, through a deficiency of mathematical clearness, opposing the Newtonian doctrine of gravity, and stating new theories of mechanics;—or putting out new ideas concerning optics. Even in the Reports of the Proceedings of the American Association for the Advancement of Science, you will find a paper explaining the zodiacal light, the whole paper being based on the astounding assumption that both ends of a straight line may be far below the horizon, and yet a large part of the line remain above the horizon.

I might go into chemistry and find still more striking instances of differences of opinion. I need not allude to by-gones, such as the contest concerning the nature of chlorine, — but may appeal to the present state of the science. Who shall set bounds to the doctrines of allotropism, and assure us that the whole list of elemental substances is not after all but a series of allotropic forms of one and the same substance? Yet if this be so, who shall be able to define the science of chemistry? Nevertheless the science is pursued and taught and justly considered an essential element in a course of public instruction. It is even demanded as a practical science for the use of agriculturists, although the most vital points concerning the value of mineral and organic manures are still in

dispute. We may therefore set it down as certain, that differences of opinion concerning the truth or falsehood of a doctrine do not constitute, in the judgment of wise men, any reason for omitting the discussion of those doctrines from the course of public instruction. Nor, on the other hand, is perfect unanimity of opinion upon a point, or perfect certainty of a doctrine, any reason why such points should be included in our general course of study. No mathematician doubts the truth, or the utility, of that little book on the division of superficies, published by John Dee and Frederic Commandine, and thought by Dee to be from the hand of the great Euclid, but no one has ever proposed to incorporate it, or any part of it, into a course of academical study.

It is, therefore, manifest that the questions of certainty or uncertainty, and difference or unity of opinion, are only secondary considerations in deciding whether a certain study should or should not enter into the course of instruction in this or that form.

The general principles which I have already enunciated concerning the relation of each part to the whole, and to the whole hierarchy of sciences, to the length of the curriculum, and to the capacities of the individuals, these general principles are sufficient to decide the minor as well as the greater questions. Those parts of geometry are to be introduced which bear most directly upon the progress of the student in higher mathematical studies, and to the acquire-

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ment of mechanical, chemical, botanical, or zoölogical knowledge. Those parts are to be excluded which are not thus connected. And inasmuch as no knowledge is wholly disconnected with other branches (the work to which I just alluded as resuscitated by Dee, is capable of some useful applications in surveying, etc.), we must omit those things which have fewest or least important connections, and retain those which are most directly in the highway of truth.

So in religion. It makes no essential difference whether there is, or is not, an agreement of opinion on a point; it does not necessarily follow that it is important if all are agreed, or that it is unimportant if men are disagreed upon it. The question rather is, Is this doctrine important in its connection with other matters? Does it throw light on the course of history? Does it have a connection with the physical sciences? Does it bear directly on the moral character of the pupil? Does it bear upon his religious character, his habits of piety?

We have tested, on such general principles, the question whether religion ought, or ought not, to enter into the course of public instruction, and have decided that it should. But shall we teach Theism or Atheism, Pantheism or Exotheism? By the last term, I designate that steadfast ignoring of religious questions to which an exclusive attachment to physical researches may lead one. But this and blank Atheism we have already condemned as unfit to be taught

anywhere, or by anybody ; Atheism, because it denies the central truth of all science, the truth which alone makes science possible, destroying thus the natural head of the whole hierarchy of sciences ; Exotheism, because it steadily puts this central truth of all science out of view, and attempts to degrade theology from its natural position of the head of the sciences, and to place it in a subordinate position among "oldwives' fables."

It remains, then, to consider whether we should teach Pantheism or Monotheism. Now, to me, Pantheism is, in theology, very much like the doctrine that in geometry we have only logical forms of thought, and are not dealing with entities. To teach such geometry seriously and earnestly, is better than to deride the science altogether ; but it does not develop the powers of imagination and conception ; it does not link itself with all the higher branches of science so well as the higher doctrine that geometry is the science treating of the real subject-matter — space. So, a reverent and devout Pantheism may be better than Atheism, and even better than the Exotheism of positive science. For, as the language of a devout spirit, even when intellectually misled towards Pantheism, is theistic, the mind of the pupil may receive the higher truth, through the medium intended by the teacher to convey only the lower truth. But Monotheistic views alone give theology its true position in the scale of sciences. With Pantheistic

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views the highest science is lower than one of inferior grade. When on going upward through the sciences we have at last studied in the human mind the laws of thought and feeling and volition, we perceive that this self-conscious mind is the highest object of our thought yet found. But as we have seen, while studying the material universe, innumerable evidences of wisdom, of plan and of purpose, we must suppose an Infinite mind ruling the great mass of matter. But here comes the question, Does this great mind which adapts all organs to their functions, all materials to their uses, all forms to the fulfilment of an ideal plan, do so consciously or unconsciously? In other words, when we rise from the contemplation of our minds to the contemplation of the Infinite mind, do we fall from the consideration of a conscious being, to the consideration of an unconscious being? To me it seems that this question answers itself by its own absurdity. The modern philosophy which regards the universe as an unconscious struggle of non-being to become being, saved only by that struggle from relapsing into the pure zero of non-existence, saved only by the impossibility of succeeding in the struggle, from going over to the pure zero (as they term it) of being, seems to me to be itself the pure zero of irrationality, — which would be shocking to our sentiments of reverence, if it were only sufficiently intelligible to be comprehended. To us who believe in the first article of the creed, that

there is one God, the Father Almighty, maker of heaven and earth, that article is by far the most important of all truths; and it is on this account that we insist it should make a fundamental point in the instruction of youth, and cannot concede that on any grounds it should be omitted.

The second article of the creed is also one which must be considered, by those who believe in it, an article of fundamental importance. No man, indeed, can deny that faith in the revelation made through our Lord Jesus Christ, must assume, in the mind of one who holds it, a central position — controlling and modifying all his course of thought. Our entire views of theology and morality are dependent on the views we take of Christ, and we cannot, therefore, put Christianity among the unimportant parts of religious instruction. That some disbelieve in it, and that there is warmth of feeling connected with the discussion of its truth, cannot justify us in omitting the subject, any more than the differences of opinion upon questions of chemistry, physiology, and geology, would justify a teacher of those sciences in omitting all reference to allotropism, to therapeutic agencies, or to glacial and diluvial action. The evidences of Christianity occupy a central position in theology, which is a fundamental science; and those to whom these evidences are sufficient are justified on every conceivable ground in assuming always in their public instruction the authority of the New Testament; and whenever

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their school is of such a nature as to permit it, in showing with some minuteness the various branches of evidence that tend to establish the fact that Jesus was proved to be the Son of God with power by his resurrection from the dead, and by wondrous works that no man could have done except God were with him. I am well aware that there are persons at the present day who claim to have outgrown the necessity of attending to this evidence; some by having grown so spiritual that the religious truths proclaimed by our Lord commend themselves directly to their minds and hearts as true, as needing no external proofs of having been uttered by authority; others, by having grown too wise to be convinced by such proofs, who have set up for themselves new canons of criticism that render the falsehood of the gospels demonstrable, and who therefore justify themselves in passing by all the evidences of their truth. I am well aware of the existence of these persons to whom and for whom the evidences of Christianity are nothing, and who would claim that in consideration of their existence, we should omit all distinctively Christian instruction from our public course of education. But I do not see how their requirements should be granted, any more than I see why the existence of persons incapable of receiving the Newtonian laws of philosophy should cause us to omit the recognition of those laws from our text-books on physics. In order to omit Christianity and the evidences of its truth from our

course of studies, we must show, not that there is not a perfect unanimity of opinion upon the matter, but that it is a question which does not connect itself vitally with our views of history, — which does not throw light upon any physical sciences, — which does not bear directly upon the moral character of the pupil, — which does not affect his religious character, his habitual tone of thought on religious things. Now no sane man, however strong he may feel himself in his rejection of Christ, can deny that the question of the reality of the revelation through Jesus does connect itself, vitally, with all our views of history. According to the believer in revelation, all previous events prepared the way for the coming of Christ, all succeeding events have been modified by it, and Calvary is the central point in the great historic picture of this world. Even the unbeliever in Christ must acknowledge that never man spake like that man; that never did the word of prophet or sage produce so sudden, so extensive, and so lasting an effect upon civilized and enlightened nations as that produced by the preaching of the gospel. What think ye of Christ, is therefore a fundamental question in the survey of human history.

Neither can any sane man deny that our reception or rejection of Christ affects our views of physical science. If we reject Him, then we are naturally led to reject the views which he gives us of the freedom, the sovereignty, and the forgiving love

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of God ; if we accept Him, we of course accept these views, and are ready to receive the doctrines of geology which declare that God has frequently acted upon our planet in circumscribed limits and at definite times, fulfilling through the long course of geological changes one plan, which He had in view from the beginning, the preparation of the earth for the abode of his children, — those doctrines of physics which find in all material things the expressions of wisdom and of personal kindness, — those doctrines of history which recognize a ruling Providence, and devoutly acknowledge that

“There’s a divinity that shapes our ends,
Rough hew them as we will.”

No sane man can deny that the reception or rejection of Christ will naturally have a tendency to affect the moral character of the pupil. To reject him and his doctrines, — to claim that he was inspired in no other sense and in no other degree than we may each of us be inspired, if we will pay the price, — what can be the effect upon us if not to weaken in us the sentiment of reverence, and to strengthen out of due proportion the consciousness of our own dignity and worth? But to admit the authority of Jesus, — to acknowledge and open our hearts to the love of Him who though he was rich yet for our sakes became poor, who though clothed

with divine powers did not ask divine honors, but submitted to poverty, to suffering, and to death, in patient attestation of his mission, still offering forgiveness and help from God to those who were seeking his life; to admit the authority of such a master,—what can its natural tendency be, if not to soften the fiercer passions of the believer, and to bring him, at least partially, into a likeness of this divine example?

Nor can any sane man deny that the acceptance or rejection of the claims of Jesus to direct authority from God, must in general have a marked effect upon the religious character of the pupil. Few men have that strength and depth of religious character, which can make them, after rejecting the claims of Jesus to direct authority, feel that in their own souls they have a direct vision of religious truth,—a direct internal vision of the presence of an infinite Father. With by far the larger part of the human race, experience has shown that if they do not see God revealed in the face of Jesus Christ, they do not see him clearly at all; their rejection of Jesus' authority is usually, and I think naturally, followed by their neglect of Jesus' precept to pray, by their disbelief in his doctrine of a special Providence, and finally, by a rejection of his doctrine of the Fatherhood of God. When a man rejects the evidences of Christianity, he usually, and I think naturally, slides towards Pantheistic views of the divine nature.

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It must therefore, I hold, be conceded on all sides, that the Christian religion is of such importance, in its connection with physical, historical, metaphysical, moral, and religious truth, as to demand a place in every scheme of public instruction, in spite of the acknowledged fact that there are those who reject its claims to be a revealed religion. But if we bring it into our public instruction, how shall we bring it in, as believers or as unbelievers? Surely those who disagree with us in our convictions would not ask us to teach what we think falsehood. If it is, as I have endeavored to show, necessary for us to speak on religious themes, and to discuss the claims of Christ as the Messiah, the King of the new kingdom of God, we must of course speak as we believe. It may be right for us to acknowledge to our pupils the existence of other opinions; it may even be right for us to show to them the reasons adduced by unbelievers for rejecting the gospels. But it is certainly more imperative upon us, according to all the principles which regulate the sphere of education, to show our pupils the reasons for thinking the arguments of unbelievers delusive sophistry, our reasons for thinking that the evidence of the resurrection of Jesus Christ from the dead is stronger than the evidence for any other historical fact whatever. We are bound, by every principle which can actuate or guide us in the sphere of education, to express to our pupils our view of the labors of the great schools of historical, philo-

logical, and metaphysical critics; our conviction that, upon either and each of these three grounds, the rationalistic party, rejecting the supernatural character of the gospel, are inexpressibly weak and sophistical; the supernatural party, admitting the claims of Jesus, are invincibly strong, not in themselves, but in the overwhelming strength of their arguments, appealing not to hair-splitting distinctions and refined quibbling, but to the common sense of honest hearts. Taking the view which we do of the connection of the fundamental Christian doctrine, that Jesus is the Christ, with all other truth, we must introduce it into public instruction, and, being believers, must of course introduce it as believers.

What then, it may be asked, is to hinder this course of reasoning from justifying the introduction of sectarian strife into our schools and colleges? Do not each sect of Christians claim that their peculiarities are fundamental doctrines, and must be considered a part of Christianity?

I answer, No! There is no sect of Christians who will not confess that in the hearty and humble recognition of the Apostle's Creed lies all that is fundamental in Christianity. The greatest diversities perhaps existing in the Christian church, are those between Augustine's views and those of Pelagius on predestination and freewill; and those between Papists, Congregationalists, and the New Jerusalem Church, on the source of the light by which we are

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to read the Scriptures. These diversities are so great and so nearly fundamental, that they doubtless affect in some degree our views of truth in other matters. In a Sunday school they may be taught, and in a theological school they must be thoroughly discussed; there are, indeed, those who feel that these points are sufficiently important in their bearing upon the whole field of culture, to demand their introduction into colleges. Hence we have, in various parts of the country, colleges under the special patronage of particular sects of the Christian church. If any man feel that the importance of these views is great enough to demand their introduction into the college course, he is of course right in sustaining such colleges. But the highest authorities can be quoted from those holding each of the five different opinions which I have named, to the effect that their own opinions are not absolutely essential to the Gospel, but that their opponents may hold the essential body of Christian truth in spite of their error; and hence those opinions cannot be of sufficient importance to claim their introduction into the common schools.

The points on which the various sects differ are, in general, very much less important than the five points of predestination, freewill, the right of private judgment, the authority of the church to interpret Scripture, and the claims of Emanuel Swedenborg, and if these five are not of sufficient importance to demand their introduction into the common school,

of course no other point of sectarian division is worthy of that honor. We must remember that the human mind is not capable of attending to an unlimited number of things at once. In the growing mind we must, it is true, introduce a due proportion of each of the great divisions of science; but to do justice to all we must not show a favoritism toward any. In the balancing of a just course of study, great prominence must be given to the essential doctrines of Christianity, those which are acknowledged by all to be the most essential, the most characteristic; and if the points about which the sects are divided are brought in, then one of two evils follows; these minor points either distract the mind from other and more essential parts of religion, or distract it from other studies equally important in a liberal or public education.

The conclusion at which I arrive is therefore this, That into the public course of instruction in our Christian land it is our privilege and our duty to introduce the Christian religion in a positive and earnest form, adapted to the ages of the pupils and to the length of the course of studies on which they have entered, but that the dogmas concerning which Christians differ should not be introduced, but be reserved for theological schools,—and that these conclusions flow not only nor chiefly from considerations concerning the certainty or doubtfulness of such dogmas, but from considerations of their relative

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importance and from general principles concerning the choice of studies, which govern wise instructors in all lower branches.

MEMBERS OF THE GRADUATING CLASS, —

It is hard for me to believe that the deep interest with which many of you followed for two months the exposition of the evidences of Christianity, was not shared in some degree by you all. I cannot but believe that in the essays which you gave me at the close of that study you expressed the real convictions of your hearts, and that you join me in heartily believing that the apostles followed no cunningly devised fables, but were the eye-witnesses of the majesty of Christ, and bore testimony to that which they had themselves seen and handled. Let me then, as the application of this address to your case, and as the parting word of my instruction to you in Antioch Hall, beseech you to become, whatever your choice of a profession, or occupation in life, teachers of the religion of Jesus. An educated man is, voluntarily or involuntarily, whatever his walk in life, a teacher by word and by example. Be it your care, graduates from this Hall, consecrated by the prayers of saints, consecrated by the life and death of that hero, whose place I imperfectly attempt to fill, be it your care that your teaching shall lead those with whom you have intercourse, to honor and embrace that gospel which they see sanctifying your daily

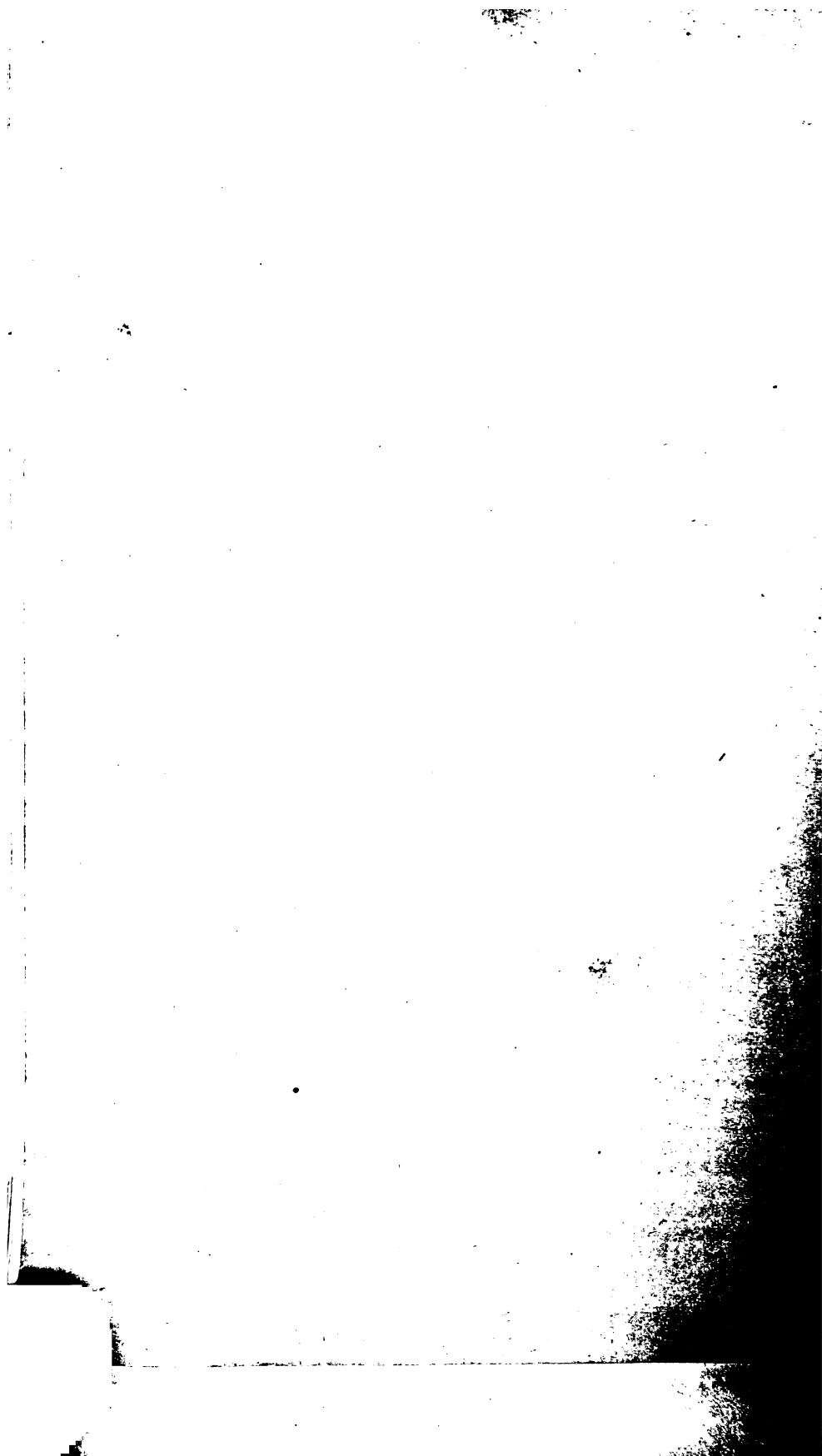
deeds and words. So alone shall you fulfil the highest office to which you have been called, and so alone receive, when graduating from the school of life, honors from the Great Teacher of all.

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TO Mr. J. A. Charles Sumner
1870. from N.Y.

Admirable as these two pieces are in their substance and in
are sent not on account of their intrinsic merits, but
of the mental calibre — intellectually, morally, religi-
the writer considered as a witness to the capacity of the phys-
ion he stands indebted for the prolongation of his life, in
his case related in March No 1872 of "Laws of Life"

STATE RELIGION,

AND THE

BIBLE AS A SCHOOL BOOK.

BY

JAMES G. CLARK.

[From the New York Independent.]

TRACT NO. 1.

PUBLISHED BY THE

SYRACUSE RADICAL CLUB

SEPTEMBER, 1870.

This discussion involves the following important questions, viz :

First. Can the State consistently tax its citizens for the support of any theory concerning a problem which cannot be demonstrated and solved through the evidence of the senses, and is, therefore, necessarily the subject of diverse opinions?

Second. Is an individual really permitted to "worship God according to dictates of his own conscience" while forced to pay for the support of schools that teach and sustain a theology he honestly repudiates, and which is tax and promulgated at the expense, exclusion, and sacrifice of the only method of religion his conscience approves?

Third. Can we refer this Bible question to precedents based on "common usage," "common consent," "designs of our forefathers," will of the majority etc., without ignoring straightforward justice, and falling back upon unchristian doctrine that "might makes right"?

Fourth. If our free schools were conducted by Papists, who teach ritual and the worship of the saints; or by Jewish rabbis, who teach that Jesus was an impostor; would not Protestants of all creeds feel outraged beyond endurance and justified in keeping their children out of school?

Fifth. Should they adopt the latter course, would they not consider the unjust in compelling them to pay taxes to sustain such schools?

The writer of this article is a Protestant of the most radical type—one who does not stop with Martin Luther, but who protests against all obstacles

nious human growth; one who believes in the inspection and ventilation of mystery, no matter whether it surrounds a state institution or a sacred book. believes that the Catholic policy of keeping the Bible out of schools and y from the masses, *because* of its sacredness, tends to make the book an instrument of despotism. He is also convinced that the Protestant plan of compelling its use as a school-book, *because* of its divine character, has precisely the e tendency. In other words, he proposes to treat the Bible like other books depriving it of the hollow form and sham dignity of state patronage, and aling it to fall unless sustained by the involuntary respect and homage of an ghtened humanity.

his is the writer's policy; and it is difficult to see how the state can favor other without doing work it must eventually undo.

he state should only demand good citizenship, right doing, and justice in life. Individuals, and even churches, may feel justified in oppressing the k, and in practicing pious fraud for the "glory of God"; but it is disgraceful for ernments to do these things. Civil government is *law*, and law deals only i the logic of *facts*, and never with the possibilities or probabilities of faith. Without overlooking the grand mission and good results of Christianity, or beauty and excellence of true Christian character, we must admit that the sys- embodies the most wild and startling assumption that finite mind can con- e of. And, if government has a right to teach in our schools that Jesus was is God the Creator, it clearly has a right to teach the same concerning any r good and remarkable man.

HE INDEPENDENT of June 16th and July 7th published long articles, by Rev- Geo. B. Cheever, defending the use of the Bible in schools, and laboring to re what few will deny—viz., that religion and morality are indispensable to onal prosperity. In earnestly subscribing to this, it does not follow that we t declare our belief in the necessity of teaching a certain system of theology ur secular free schools. It is one thing to acknowledge the universality and ortance of the religious element, and to favor means for its cultivation and wth; and quite another thing to attempt to nationalize a peculiar method or n," concerning which the wisest and best of our authors and statesmen hold rly opposite opinions.

is well known that Jefferson and Franklin were avowed disbelievers in the ma of the Trinity; yet it is possible that these, with Washington, Adams, and r great fathers of the government, meant, as Dr. Cheever claims for them, at the Christian religion and none other should be the religion of the nation." o, we can only give them credit for honesty, but not infallibility of judg- it. It matters little whether they meant this thing or that thing. Undoubt- r, the same wise fathers, when speaking of "persons bound to service," meant *live slaves*; but we of the North, including Dr. Geo. B. Cheever, paid no red to this meaning in the days of the "Underground Railroad," and why this ess of veneration for their opinions now? When an advocate avoids the liv- issues of the present, and hides behind the opinions of a few wise dead men i former age, he acknowledges the weakness of his cause. Every generation new questions to meet, and its representative men to meet them. This gen- ion of Americans must grapple with the great question of choice between gious despotism and religious liberty.

here is no despotism so crafty and relentless as ecclesiastical authority, be- se it is based upon mystery rather than upon reason and virtue.

Roman Catholicism usually carries its points by strategy, and seldom by di- : assault. I believe that future events will prove that the Bible question : opened at this early day for the sole purpose of committing Protestants to :nciple which Romanists do not yet dare advocate.

the precedent of nationalizing Christianity be once established, we may look a most rigid application of the principle when Rome holds the balance of itical power, and numbers six churches and convents where she now does

disguise the fact as we may, the difference between the creed of the Catholic *that of the Protestant* is simply incidental, and not fundamental. And -men who approve of acknowledging the deity of Jesus in the constitution-

and who, like Dr. Cheever, favor a state religion, are blindly acting as skirmishers for the Pope of Rome, and unconsciously forging weapons which will yet be used in warfare against the true spirit of Protestantism.

Dr. Cheever says: "The necessity of self-preservation authorizes the people to include divine truth in their system of elementary education, and that truth they cannot get but from the Bible."

If Dr. Cheever would but have added "and if any person deny this, let him be accursed," we might have accused him of quoting the above from the anathemas passed by the Ecumenical Council. The Doctor seems as firm as any Papist in the notion that God only reveals himself to human consciousness through the written words of the Old and New Testament.

The world is beginning to learn that all truth is divine, without regard to the writer, or the poor rubbish containing its letter; that any moral or spiritual lesson or record is only valuable to humanity as it is susceptible of so entering into practical life that it may by experience be wrought into healthy human character. Truth, when once it takes this form, is elevated above books, and becomes as independent of all record as the full-grown oak is of the acorn-shell out of which it first sprung. Rome would hide God in the Bible, lock the Bible in the Church, and give the key to the Pope. Dr. Cheever would confine God to Protestantism, and beseech government to guard the door. There is really but little to choose between the two systems.

All moral and spiritual truth is self-evident and self-asserting, and of course self-sustaining and self-developing; as the tendency of all life is, of necessity toward the light. Inspiration, like the sun, can quicken, but not create. Without ignoring the aid of the Hebrew writers, we may safely presume that God was in the world, and acting upon the lives of his children, long before the birth of the men who wrote the history of the Jewish people. Every intelligent reader of ancient literature and philosophy is aware that nearly all of Bible truth valuable in human affairs now may be found threading, like veins of gold in quartz rock, the writings of men and seers who lived in advance of Hebrew prophets. Even the Ten Commandments, as given by Moses, were, with the exception of the two regarding idolatry and the Sabbath, the sentiments already evolved by the necessities of human society, and recorded by earlier moralists and teachers. Moses simplified, condensed, and classified them, with a view to their more direct and forcible application to the dull minds and sensual lives of a race of slaves, whose previous condition of servitude had nearly destroyed in them all sense of moral obligation. Indeed, human society could not have lived, flourished, and built cities without understanding and observing nearly all the points involved in the moral code revealed to the fugitive Jews.

Dr. Cheever and other advocates of a state religion have much to say about divine truth. Can they inform us whether they mean sentiment which is of itself divine, or something to which they may attach the divine quality solely because they find it within the lids of a sacred book.

These men seem to be walking backward. If they will turn and cross the imaginary line which evidently, to them, circumscribes the manifestations of Deity, they will learn that God is Father of all truth, no matter whether it comes first through the lips of Confucius or Jesus, Socrates or St. Paul. Certainly the best and most "saving" truth is that which results in the best human character; and such doctrine does not need the superfluous label of "authority," or "thus saith the Lord," to render it sacred, for the world involuntarily pays its highest homage to those who represent the highest moral and mental attributes. Hence, it follows that the value of all writings, either inside or outside of Bibles, must finally be determined by their intrinsic worth, by their power and vitality as actual fertilizers of the moral soil, without regard to any "authority" based on the mere accident of their origin.

If this logic is correct, then it is certain that three-fourths of Dr. Cheever's argumentation on the Bible question are utterly void of meaning. If false, let us henceforth admit that right is *more* than right, and wrong *less* than wrong when found recorded in the Bible; and *vice versa*, when revealed in the works of Gentile writers.

Barnes sings, "A man's a man for a' that," and the whole world applauds!

But when we extend the theory to the realm of principles, and declare, "A truth's a truth for a' that," or, "A lie's a lie for a' that," Dr. Cheever and his disciples solemnly close the Bible, and inform us that human reason and discrimination cannot enter there, and that ordinary methods of criticism, as applied to all other books, must not be applied to the "Sacred Scriptures." Rev. Dr. Hopkins joins with them, and proves the divinity of slavery by the Bible; and the Southern Methodist clergy are to-day shouting "amen." Father Hecker, Lawyer Graham, and the *Advance*, respond by using the "Word of God" to convince us that "God made man for *Himself*, and woman for *man*," and that woman is nothing but a supplement. Temperance men prove by the Old Testament that wine-drinking is a sin; and drainsellers swear by the New Testament that wine-making and wine-drinking are virtues.

Of course, we must either admit that these advocates of conflicting views are ALL right, or we must treat the Bible as we do any other book—accepting the good and rejecting the evil. The latter is the only safe plan of treatment; for, while the book abounds in moral and spiritual lessons worthy of reverence at all times, it contains much that is objectionable in tendency, and much more which is negative or common-place, or which has no actual significance except for its direct reference to people and usages long passed away. It is folly for Protestants to bestow pity and ridicule upon Fetish worship and bead-counting, while blindly and foolishly reverencing so much indifferent and immoral reading matter, simply because it happens to be bound in the same book with some of the grandest, noblest, and most inspiring utterances that ever came from human lips.

If the Bible is to be used in schools and private families, it ought to be thoroughly revised, renovated and abridged. It certainly is desirable that young people grow up with a sincere respect for spiritual precepts as uttered by all great teachers, seers and prophets. To secure this result, we should emancipate the genuine truths of inspiration from the bad grammar and disgusting details which pervade the Bible accounts of the Jewish wars, and which enter so largely into the history of Abraham, Lot, Samson, &c., and give such an amorous glow to "Solomon's Songs."

As the Bible now is, we find the positively useful and good bound in the same volume with the useless and impure, and the whole called the "Holy Bible," and credited to the same Divine source. Upright and pious fathers continue to "read the Book by course" in the presence of young sons and daughters; and to repeat in morning and evening worship foul passages which they would scorn to tolerate in secular works of history and fiction. The inevitable result is a constantly growing spirit of indifference and contempt concerning the claims of true religion.

Religion is the combined action of the higher elements of the human organism in the process of disciplining and developing the entire man; and it must of necessity act in harmony with reason. False veneration is not religion; but the *instinct* of religion *gone astray*. It is idolatry.

Human nature, like the physical world, has no energy to waste, and will seek *equipoise*. Hence, too much worship in one direction implies too little in another direction.

A traveler may lose his way in the wilderness, and find it again; but it is always at the expense of time and energy which ought to have been given to the right path.

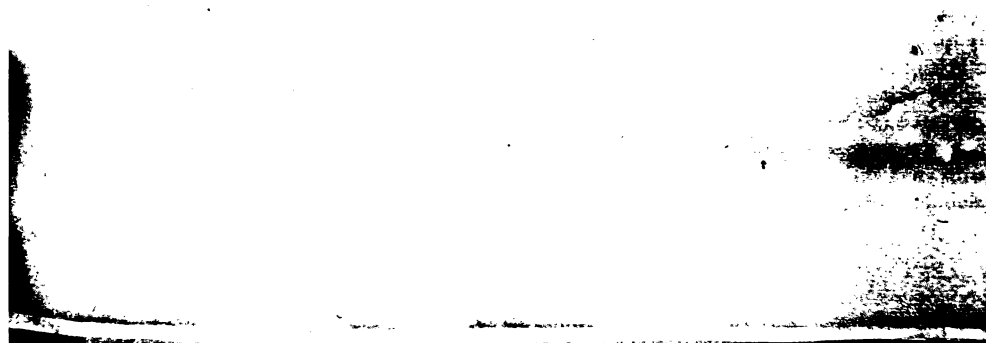
If this war over the Bible question continues till we have the gift of seeing things as they are, irrespective of associations, sacred or otherwise, till we have the bravery to call things by their right name, and to be truer to God and to ourselves than to creeds, it will not have been waged in vain. We need not shrink from the contest. Spiritual shams are frequently spoiled by close inspection; spiritual realities never.

These Tracts, also the Report of the Annual Meeting of the Free Religious Association held in Boston last May, can be procured by applying by mail or otherwise, to H. L. GREEN CORRESPONDING SECRETARY RADICAL CLUB, SYRACUSE, N. Y.
Tracts, \$1.00 per hundred—\$6.00 per thousand. Report F. R. A., 50 cents per copy.

SOME OF THE
A R G U M E N T S
THAT HAVE BEEN
MADE IN FAVOR OF
Abolishing Religious Instruction
IN THE
PUBLIC SCHOOLS.

CINCINNATI.

1870.



1875, Jan. 29.
Gift of
George Dexter,
of Cambridge.
(H. U. 18586)

ARGUMENTS

UPON THE

Secularization of the Public Schools.

INTRODUCTION.

THE attempt to make the Common Schools of Cincinnati alike free and equal to all children, by abolishing, as the opening exercise, an old form of worship, peculiar only to Protestant sects, and by prohibiting, in the future, such exercises as are exclusively religious, has produced considerable discussion throughout the United States. Most of the political and literary newspapers have expressed their approbation, while the Protestant newspapers and such political newspapers as the Cincinnati *Times* and *Gazette* have expressed, with more or less warmth, their disapprobation. The pulpits have been made to thunder their disapproval and in the city of Cincinnati and vicinity to ring with the ancient Christian folly of persecution. The cry of persecution has rung its changes, first against the Catholic, then against the Infidel, and then against the Jew; while liberal enquiry and liberal men have again, as in all history, been the sole barrier between the language of persecution, and the terrible details of a christian insurrection. For it cannot be doubted, that as long as christian superstition reigns in the minds of men, they may be easily persuaded, that the attainment of immortal glory may be had by the destruction of a few helpless heretics and unbelievers. and to such, the terror of earthly punishment is only a reminder of the story of the sufferings of Christ on the cross, and a stimulant to their rage and horrid infatuation.

Not only have Protestant preachers vied with each other in efforts of falsehood and slander, and attempts to incite a disturbance

of the public peace, but the same things have been indulged in to such an extent by laymen, that on one evening while the resolutions were under discussion in the School Board, a christian mob armed with revolvers filled the auditory, and for a time, threatened the commencement of bloodshed. All such danger however seemed to pass away with the attempt on the part of the Superior Court to enforce religious instruction with an injunction, but even then, Mr. Sage, said before the court, that "The man who is opposed to religion and opposed to the Bible is opposed to good government, and not entitled to any great consideration." And, Mr. Ramsey, said "The law will not compel the infidel to believe—it will not compel him to support or erect or attend any place of worship, or to maintain any form of worship. Thus far and no further will his rights of conscience be respected." And Mr. King said "but, all at once, a very strange coalition of twenty-two gentlemen takes place, ten of whom were Catholics, and what I can not well get through my head, with my knowledge of the School Board, is how ten Catholics got into that Board. For the fourteen years, I knew that Board, there were never more than two or three gentlemen of that faith on the Board, because they did not consider it a matter of sufficient interest to them. But all at once, ten of them are on the Board! What are they there for? They with twelve other gentlemen, making twenty-two in all, nearly all of whom, I believe, are from Europe, at least, a majority of them, and who, in their native country, had been accustomed to love one another with the love that Wolves have for Sheep, and treated each other with such soft dal-

liance as the ax and the faggot, these gentlemen are found all at once in loving embrace, and they pass this resolution."

Whenever a man says, that an Infidel is not as intelligent and honest as a christian, or that an Infidel has not the same rights of conscience as a Christian, he is either a fool or a knave. There is no excuse for such malicious utterances. And when a man argues, that a Catholic has no rights in the School Board if the people elect him, and follows up such argument with a mean spirited falsehood, he only removes the mask from his own bigotry and intolerance.

The Protestant sects of Christianity have controlled the Common Schools of Cincinnati for years, while only about one resident child in five has ever attended them. Children have been scared in school with absurd stories of Hell-fire and even been told that the only sure way of salvation is through the Methodist Church. The schools have been maintained at an expense of nearly one million dollars annually levied upon everybody alike without any distinction as to whether they believed or disbelieved the Protestant dogmas, or were willing or unwilling to have such things taught to their children. There is a prospect now, that this union of the Protestant church with state taxes may be broken asunder, and the schools made free and equal to all children alike. This contest will be fought at the Spring election and every man who votes will be compelled to vote "For free Schools" "or against free Schools." There will be no dodging of the question.

THE RESOLUTIONS.

At a meeting of the Board of Education of the Common Schools of Cincinnati, on the evening of the 6th. day of September, 1869, Mr. S. A. Miller offered the following resolutions:

"Resolved, That religious instruction and the reading of religious books, including the Holy Bible, are prohibited in the Common Schools of Cincinnati, it being the true object and intent of this rule to allow the children of parents of all sects and opinions in matters of faith and worship to

enjoy alike the benefits of the Common School Fund; and

"Resolved, That so much of the regulations on the Course of Study and Text Books, in the Intermediate and District Schools, (page 213, Annual Report,) as reads as follows, "The opening exercises in every department shall commence by reading a portion of the Bible, by or under the direction of the teachers, and appropriate singing by the pupils," be repealed."

After considerable discussion the resolutions were laid over for one week and ordered to be printed.

REMARKS OF S. A. MILLER.

On the 13th day of Sept., 1869, at a regular meeting of the Board, Mr. S. A. MILLER, in support of the resolutions, after some preliminary remarks said:

And here I wish to call your attention to a few of the misrepresentations. In the first place, the Cincinnati Times, on Tuesday last, contained the following:

"The secret of the strong force brought to the support of the main proposition last night is the fact, now well known, that during the past week a document committing members to it had been circulated and twenty signatures obtained. One more pledge and a majority of the board is secured. The Catholic party is, therefore, under the strongest drill, and corresponding energy on the other side will be required to match them."

Thereupon the *Chronicle* and the *Gazette* amplified this statement and enlarged upon it. One statement of the *Gazette* was as follows:

"In other words, the Catholic Church, which does not propose to use the schools unless they can control them, demand that the Bible shall be excluded from the public schools, and the Board of Education make haste to bow to priestly authority, and propose to comply with the request."

Now, Mr. President, on last Monday evening, after I came to this Board, after seven o'clock in the evening, I wrote the first part of that resolution without consultation with a single member of this board. After I had

written it, I handed it to the President of this body, and he suggested the second resolution. I then wrote that. It was handed to Messrs. Wisniewski, Eckel, Story and Rhodes, not one of whom are Catholics, and no Catholic ever saw the proposition or heard tell of it except Mr. Rauch, who was present at the time these other gentlemen saw it, until they came in to this body and after the board was organized. Then for the purpose of taking the sense of the board before introducing it, it was passed around, and 22 members then present approved the resolutions. Now, I would suppose as a matter of course, that all Catholics in this board and all the Catholics who now attend our common schools and all the more liberal Catholics would support this proposition, because the reading of the Bible in the schools is contrary to one of the canons of their church, and it is, therefore, a matter of conscience with them. But they were not consulted at all in the matter.

Then Mr. President, what were the motives that prompted the introduction of these resolutions? What were the motives of the men who approved them? Well, let me say that some people in this community believe that the reading of the Bible in the schools tends to bring it into contempt and ridicule. Others think, that the reading of it occupies, half an hour a day, which is one eleventh part of the time, which is, for the term of our schools, nearly a month occupied in that which does no good and probably does harm.

But, it is not with me alone, the fact that reading the Bible is of no practical value in school, nor that the reading of it tends to bring the Bible in to contempt, as claimed by the Catholics. I place my reasons for the support of these resolutions upon what seems to me a much broader and more solid foundation.

I believe the regulation of this Board is in palpable violation of the Constitution of the State of Ohio, in open violation of the statute law and decisions of the Supreme Court, and contrary to the whole spirit of our institutions.

The Constitution of the State of Ohio provides (Article 1. Section 7.) "that all men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience. No person

shall be compelled to attend, erect or support any place of worship, or maintain any form of worship against his consent."

The reading of the Bible under the direction of the teacher, and appropriate singing, is a "form of worship." And under the law of the State, that compels the Infidel, the Jew, and the Catholic to pay the school tax, and under the regulation of the Board, they are each compelled "against their consent" to "maintain a form of worship!" in violation of the Constitution and the natural and inalienable rights of man.

I read again from the Constitution: "And no preference shall be given, by law, to any religious society." The regulation of this Board gives a "preference" to the Protestant sects in their religion over both the Jews and the Catholics, because, as I am informed, the Jews do not read the Bible to their children in school, and there is a law or canon of the Catholic Church against reading the Bible to children in school, while all Protestant sects are in favor of so reading the Bible.

Mr. Mack said there was no such rule among the Jews.

Mr. Miller replied: I have been informed that the Jews do not read the Bible until they are thirty years of age.

Mr. Mack said it was a mistake.

Then the rule applies as I have stated it (said Mr. Miller) to the Catholics at least.

Again I read from the Constitution. "Nor shall any interference with the rights of conscience be permitted." This regulation interferes with the "rights of conscience" of the Catholics, because it is contrary to one of the laws of their church. They say this is with them a matter of "conscience," and I maintain that when a man says any part of his religion is with him a matter of conscience, that I have no right to dispute it. His conscience belongs exclusively to himself, and from the very nature of its existence, I know nothing about it, except from his own statements.

This regulation is then in violation of this section of the Constitution, which is found in the Bill of Rights. The Bill of Rights is a declaration of the natural and inalienable rights of man. Rights that can not be interfered with by the Legislature, nor by a Constitutional Convention; but rights which belong to man as a sovereign and independ-

ent being, that may not be abridged, restricted, or controlled by any human power.

Again, the Constitution provides, Art. vi., Sec. 2. that "The General Assembly shall make such provision, by taxation or otherwise, as with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but no religious, or other sect, or sects, shall ever have any exclusive right to, or control of any part of the school funds of this State."

This regulation gives to the Protestant sects an exclusive right to and control over that part of the school funds of this State, that pays the expenses of the schools for the time occupied in this religious instruction. For the Catholics do not participate in this religious instruction, that occupies fifteen minutes or half an hour of each day in the public schools—or one eleventh part of the time—which amounts to nearly one month in each year. And this exclusive right to and control over the school funds extends even farther than that, because, as I am informed by a catholic priest, there are 21,000 Catholic children in this city and it is estimated that only about 3,000 of them attend the common schools, the remaining, 18,000 children being virtually excluded by this regulation.

The Supreme Court of the State decided in the case of Bloom against Richards (2 O. St. Rep. page 337.) that "Christianity is a part of the common law of England, but, under the provisions of our Constitution, neither Christianity, nor any other system of religion is a part of the law of the State."

The Court were unanimous in this opinion. The Supreme Court again held, in the case of McGatrick vs. Wasson. (4 O. St. Rep. 566.) affirming unanimously, the opinion delivered in the case of Bloom vs. Richards. that the statutes were "wholly secular," that no power whatever is possessed by any department of this State over things spiritual, but only over things temporal.

"As the statutes of the State are "wholly secular," as the Legislature has power only over things temporal and not over things spiritual, as neither Christianity nor any other form of religion is any part of the law of this State, it follows that even the Legislature would be wholly powerless to enforce such a regulation as this, and any attempt

by legislative enactment would be declared unconstitutional by the Supreme Court.

With how much more reason does it follow that this regulation is contrary to the laws, the Constitution and the whole spirit of our institutions; because this Board possesses no legislative power whatever, but only ministerial powers and duties for the purpose of organizing and maintaining the common schools under the express provisions of the acts of the Legislature. It is true that the infidels send their children to the common schools, notwithstanding this regulation, because they care but very little about it. It is true that the Jews send their children to the common schools also. But only about three thousand children of Catholic parentage in this city attend the common schools, while eighteen thousand children are deprived of that privilege on account of the canons of their church and their right of conscience upon the subject of this regulation. A large body of these children would be in the schools at this time if this regulation was out of the way. And I am fully assured that not less than five thousand of them will be in the schools this winter if these resolutions are adopted, even though no compromise or arrangement is made with the Catholic clergy.

"It is to the interest of the State at large that all children shall be educated, and it is upon this theory that the property of the citizens of the whole State is taxed for the support of the great school system of Ohio. And this reason applies with peculiar force to the children of parents of limited means.

"The children are not responsible for the superstition, religious opinion or conscience of their parents, and if these children are kept out of school for any reason or whim, it is our duty to remove the objection, if within our power so to do. This is justice and humanity.

REMARKS OF S. A. MILLER.

On the 25th. of October, 1869 at a regular meeting of the Board, Mr. S. A. MILLER said:

Since these resolutions have been before the Board, I have taken some pains to ascertain how many Boards of Education in the State of Ohio have adopted such a regulation as the one in force here. I believe

that I am correctly informed, that no Board of Education in this county ever adopted a rule requiring the Bible to be read in the Schools with appropriate singing, except this Board. But on the contrary, some of the School Districts have adopted regulations prohibiting all religious instruction of what kind soever in their Public Schools. The local trustees of the Corryville Precinct, four or five years ago, adopted a resolution prohibiting the reading of the Bible in their School.

Immediately thereafter seventy children, who had never before attended the School, attended it. The trustees of the Second District in Mill-Creek Township, known as Woodburn on East Walnut Hills, two or three years ago by a resolution that is now standing on their journal, and strictly enforced prohibited the reading of the Bible, and all other religious exercises, in their School. But few Public Schools in this County outside of this city have ever been opened with such religious exercises and yet the reasons against such opening exercises are stronger in this City than in any other part of the County.

I have been informed reliably, as I think, by persons acquainted in about fifteen counties of this State, that no Board of Education, in any of these counties has ever adopted any such religious regulation. In some of the counties not a single School District in the county has been in the habit of having any such devotional exercises at the opening of the School. A further investigation will in my opinion discover the fact that this Board stands almost alone in this regulation.

In this City it seems, by the enumeration, that there are about ninety-five thousand and white children, while only about twenty thousand attend the Public Schools. The other children attend Catholic Schools, private Schools or other Schools, or do not go to School at all. Any person at all acquainted with the public feeling upon the School question, knows that there is something wrong about it, and that this question of religious instruction is one of the causes preventing a full attendance.

When these resolutions were introduced, they were met, as I think, on the part of many of the Clergy, and not a few of the laymen of this City, in a very bad spirit.

They showed some of that spirit in this hall, and they showed it outside of this hall. Instead of a fair open and frank discussion of the question—instead of treating it as men who are attempting to do their duty they treated it after the manner of bigots and enthusiasts. They endeavored to inflame the public mind, to arouse personal animosities, religious prejudices, and really to create disturbances in the City. Finally three lawyers were induced to make speeches at Pikes Hall, that have been heralded extensively all over the country, as the legal defense of the use of the Bible in the Public Schools. The first of these lawyers opened his speech with the declaration that the "Bible had lain for two hundred years at the foundation of that great American institution, the Public Schools." He might as well have said for two thousand years, or if he wanted his discovery to appear as large as moving mountains, with a margin sufficient to fall "a cat or two," two hundred thousand years. Either statement would have been alike destitute of history, of truth, and foreign to an honest and fair discussion of the subject before this School Board.

The history of the School question does not date prior to the ordinance of 1785 nearly eighty-five years ago. That ordinance provided for the laying out of the North-Western Territory into townships of six miles square each, and dividing each township into thirty-six sections, and for giving the sixteenth section in each township for school purposes. No action was ever taken under that ordinance for the advancement of schools, and history does not make mention of any Public Schools in Ohio, until since the year 1802 almost within the memory of some of the members of this Board.

In April 1802, a Convention being about to convene, for the purpose of adopting a constitution, preparatory to admission into the Union as a State of that part of the North-Western Territory now known as Ohio, the Congress of the United States, by resolution, made a series of propositions to the convention, the leading one being the proposition to grant to the State one thirty-sixth part of all the lands for School purposes. The Convention assembled in November and accepted the propositions with

slight modifications, among which was the modification that these lands should be vested in the Legislature in trust for School purposes. The modifications were afterwards acceded to by Congress. The Constitution of 1802 provided that the schools and universities supported from the funds arising from these lands should forever be open to the children of the State, without any grade, or distinction, or preference whatsoever. The Legislature of 1803 passed the first Act in the history of the public schools in Ohio which provided for the leasing of these lands. In 1805 this Act was repealed and supplied by an Act providing that these lands should be leased by the township trustees, in their corporate capacity, and that the funds arising therefrom should be by them duly and impartially applied to the education of all the youths residing in the several townships, without any distinction or preference whatsoever contrary to the purposes of the donation.

This Act was amended in 1806 and again in 1815, and again in 1821, at which time a complete system of township education was adopted. The townships were divided into school districts, and these school districts were empowered to elect trustees, to assess a special tax for building school houses, and for paying salaries to school teachers. The same provision for the education of all the children in each township without distinction or preference is to be found in every Act. And in order that there might be no dispute about the perfect equality in the distribution of this fund, the Legislature, in 1824, provided that children attending school out of their own district might still draw their proportion of the public funds on the certificate of the teacher showing their attendance. Thus were the schools kept equally free and accessible to all the children, and even further than that, for a child might attend a Catholic School or a Protestant School out of his own District and yet draw his share of the School fund.

In 1825 the Legislature passed an Act adopting the county system of education, and providing for examiners of teachers and the levying of one half mill on the dollar on the tax duplicate for school purposes. The last gentleman who spoke at Pike's Hall, said that this was the com-

mencement of the School system in the State of Ohio. This was the commencement, as I conceive, of the grandest swindle ever perpetrated on the people of the State of Ohio, because the argument used in favor of it was that, in some of the townships the lands were better than in others, and hence there was an inequality; that one township would have better schools than another, because she would have a larger fund, and that by the county system of taxes, the children could all be educated alike and this inequality in the land could be removed. Following this, in 1827, an Act to sell all these lands was obtained, which was amended in 1831, and from time to time since. These lands have all been sold and the State has used the money. The lands that were given to the Legislature in trust for the education of the children of this generation and the next generation and so forth forever, have been sold, the State has used the money, not a vestige of it is left. On the contrary to sustain a humbug, called the irreducible fund, the people of this county are annually taxed by the State to pay the interest on the sum for which the lands were squandered in other counties so that we are burthened now, because we were once the beneficiaries of a trust fund, that we were long since swindled out of. I call the attention of the Board to this history, for the purpose of showing, not only the ignorance of some gentlemen as to the beginning of public education; but to show that some of the old lights of education in this City, so frequently cited, neglected the public interests, while they were endeavoring to violate the law and force Protestant worship upon the public schools.

Now I will pass from the history of the School question to the Constitution of 1851, because at this point begins all legal discussion touching this subject. In 1851 we declared in our Bill of Rights, that no man should be compelled to support any place of worship, or to maintain any form of worship against his consent. This is the enunciation of a principle that is inherent and inalienable. No person is to be deprived of this right at any time, nor upon any occasion. Now, if a person who is compelled to pay taxes, is required to

submit to have them used to maintain a form of worship that he is ~~not~~ in favor of, he is compelled to maintain a form of worship against his consent. It may be said that reading the Bible is not a form of worship; but reading the Bible, with appropriate singing is a form of worship. Not only that, but the system that has come into use in this city, in all the District Schools with which I am acquainted, is this: The teacher reads a chapter from the Bible, the children all bow down in prayer, they chant a prayer, they sing a hymn or several hymns or such religious pieces as the teacher may decide upon. My understanding of the Protestant form of worship, aside from those rites and ceremonies that are more for appearance and to captivate the young, than for any essential purpose, is that it consists in reading the Bible, prayer and the singing of hymns, for the exhortation or preaching is certainly not an essential part of their form of worship.

The lawyers that discussed the matter at Pike's Hall, did not refer at all to that clause of the Constitution, relating directly to the subject of education. That clause provides that: "no religious sect or sects shall ever have any exclusive right to, or control, of any part of the School Fund of this State." Now, when that matter was before the Convention in this State, each word of it was considered and discussed at length. The word "sects" was introduced after considerable discussion, for the purpose of covering a combined union of a number of sects. The Protestants are divided into a great many sects, and in order to cover any union or understanding that might exist among them, the word "sects" was placed in this provision. The words "any exclusive right to" were likewise much discussed in the Convention, and the word "any" inserted so that no right should be enjoyed by one child, that another child was excluded from enjoying. I ask any gentleman who understands the English language what those words mean? We have a law in the State of Ohio under this provision—a Statute law, and it may be found on page 777 of Disney's Laws and Ordinances. It provides that the Common Schools in the several districts of this city shall be "equally free and accessible" to all white children not less than six years

of age, who reside in the city, subject only to such regulations for their admission, government and instruction, as the trustees may provide. It is in force here in this Board, but is not enforced. I ask you if a School is equally free and accessible to a child whose parents are in favor of and to a child whose parents are opposed to, the adopted form of worship used as an opening exercise. I ask any gentleman if the Catholic Schools are equally free and accessible to the Catholic and the Protestant child? And if it is answered that they are not equally free and accessible, then I ask you if our Public Schools are equally free and accessible to the Catholic and the Protestant? We all know that they are not. We have adopted and put into use a form of worship that makes the Schools of this city not equally free and accessible to all children.

I ask you if this form of worship, this devotional exercise at the opening of the Schools every morning is a regulation for admission into the Schools, for the government of the schools, or for instruction in the Schools? I say it is not. You know that it is not. It is a devotional exercise; it is so understood by everybody; and it has been so preached from every pulpit in this city.

I desire to call the attention of the Board to some of the legal arguments that were used at Pike's Hall. Mr. Sage, said that it was a well recognized principle of law, that the Constitution is to be examined in the light of the history of the times, and the state of things existing at the time of its adoption. Mr. Ramsey entertained the same opinion. They argued therefore that as there were chaplains in the army and as George Washington was a Christian that such history proved that Church and State were united here; that this is a Christian State, a Christian Government, and that the Public Schools should have Christianity taught in them. They said they would have Christianity taught in the Schools, they must have it and if that was not the Constitution of this State, they would see to it that the Constitution would be changed in two years from this time. On account of their well-known ability and capacity to make this change, I confess I was gratified to hear they had taken that course on

the question. But, Mr. President, I maintain that there is no such law as that in this State. There is no such rule of Constitutional construction known to the law, but the law of this State is directly the contrary. I refer you to the case of *Goshorn vs Purcell*, in 11 Ohio State Reports, page 641, where the court held that, while from particular instances we derived general rules, yet, when those general rules were enacted into a law or constitution, they were no longer limited to the special instances out of which they grew. But on the contrary we know the Constitution only by the language used in its enunciation, and when this is clear and comprehensive, it is in no wise limited by the history of the times, or the state of things existing at the time of its adoption.

Now all I ask is that you consider the language used in the Statute, and in the Constitution upon this subject, and honestly pass your judgment.

THE VOTE.

On Monday night, November 1st, 1869, after an excited and prolonged discussion, the Resolutions, as they were offered by Mr. Miller, were adopted by the "Board of Education of Common Schools of Cincinnati," by the following vote:

Yeas—J. H. Brunsman, C. F. Bruckner, J. P. Carberry, Herman Eckel, E. M. Johnson, J. W. B. Kelley, Jos. Kramer, F. Macke, S. A. Miller, D. J. Mullaney, W. J. O'Neil, H. W. Poor, F. W. Rauch, Benj. J. Ricking, H. P. Seibel, J. P. Story, John Sweeney, G. D. Temple, A. Theuerkauf, Thomas Vickers, Stephen Wagner, J. F. Wisniewski.—22.

Nays—Louis Ballauf, Henry Bohling, C. C. Campbell, Howard Douglass, J. L. Drake, A. L. Frazer, Peter Gibson, G. W. Gladden, C. H. Gould, Wm. Kuhn, Henry Mack, A. D. Mayo, J. H. Rhodes, W. J. Wolfley, H. L. Wehmer.—15.

Absent—Messrs. Kreiger, Ferry and Fisher.

LECTURE OF FATHER DAMEN.

Father Damen, a Catholic Priest, delivered a lecture at St. Xavier's Church, en-

titled, "An answer to objections against the Catholic Church," November 18th, 1869, from which we quote the following: (as published in the Enquirer.)

"I have announced that, on this evening, I would answer some of the popular objections against the Catholic faith. There are numerous objections urged, and I will try to answer some of them—the most prominent ones, at least.

It is objected that the Catholic is not allowed to read the holy book of God—the Bible. Ministers of religion announce this to their congregations with an air of compassion and pity.

When those who attend this mission come at five o'clock in the morning to this church our Protestant friends are still sound asleep. Their steps may be heard as they hurry along the sidewalk to the church. They are here in the morning at an early hour, and at night this church is crowded to excess, maybe until ten or eleven o'clock. Now, many of our Protestant friends have said, when they have noticed this earnestness of our people: "Well, really, what a zeal these people display in their religion! Oh! what a pity they are not allowed to read the Bible! Would not all of these Catholics make very excellent and very fervent Protestants if they would only get a peep at the Bible! Their priests won't allow them to look into the Bible."

Now, whosoever says this, violates the eighth commandment of God, "Thou shalt not bear false witness against thy neighbor;" for every Catholic is allowed to read God's holy book, the Bible, and our reverend gentlemen of the various Protestant denominations could easily overcome their error and their ignorance if they would only do it by informing themselves. They will find in the very beginning of the Catholic Bible a letter from the Pope of Rome, Pius VI., encouraging all to read the Holy Bible, for the purpose of instruction, of information, and of edification, and as a means of sanctity.

The Catholic Church has never forbidden her children to read God's holy book, the Bible, for it is in the Bible that the Catholic Church finds her support, and all her doctrines which she teaches. The Catholic religion is pre-eminently a Bible religion.

There are no doctrines in the Catholic Church that we do not prove from this holy book.

"Why," say our Protestant friends, "you object to the Bible in our public schools? Why do Catholics object to the reading of the Bible in the public schools?" It is because you have not the Bible—you only have a piece of the Bible, my Protestant friends, and that very piece is full of errors and full of faults. Hence the Catholic Church says: "We want the whole Bible and a correct Bible." This is the objection that the Catholic makes to the introduction of the Bible into the public schools. It is not the Catholics alone that say the Protestant Bible is vicious and corrupt in its translation, for the most learned among the Protestants themselves acknowledge that their translation is full of faults and errors. Whole volumes have been written by Protestant divines and learned theologians about the numerous errors of the translation of the Protestant Bible.

You may remember that about twenty-five years ago a Convention was held in St. Louis, to which the ministers of all denominations were invited. I was in St. Louis at the time, and I saw the proceedings of the Convention published every morning in the *Missouri Republican*. The object of the Convention was to give a new translation of the Bible, for the present translation furnished was full of errors. Ministers of all denominations assembled in St. Louis, and a learned Protestant minister—a Presbyterian, I think—stood up in that Convention and urged the necessity of giving the world a new translation of the Scriptures, for there were *thirty thousand* errors in the present translation. Another minister—I think a Baptist minister—stood up in that Convention and urged the necessity of giving a new translation of the Scriptures, and said that up to the present time—remember that was twenty-five years ago—"the world is without the Word of God, for the Bible which we have now is not the Word of God."

Moreover, we Catholics acknowledge in the Bible several books which our Protestant friends have rejected. Such, for instance, as the books of Maccabees, portions of Esdras, portions of Tobias, and the history of Susannah. All of these have been

rejected by our Protestant friends, which are acknowledged as portions of God's holy word by the Catholic Church. How, then, can the Catholic conscientiously recognize the Protestant Bible, and tell his children to read that Bible as the Word of God?

There are other reasons why Catholics object to the introduction of the Bible into the Public Schools. St. Peter tells us that in the Epistles of St. Paul there are many things hard to be understood. He says, inspired by God, that the unlearned and the unstable rush to their own perdition. Surely, these children are unlearned and unstable, and may rush to their own damnation. How, then, can the parent, in conscience, consent that his child shall read that book?

Again: In the Old Testament, every reader of God's Holy Book must acknowledge, there are many things which the parent would not wish a young child—an innocent daughter or son—to read. The Jews were so well convinced of this that there was a law among them that none should read the Old Testament until they were thirty years of age. Every one of you that has read the Old Testament of the Bible must acknowledge that there are many things in it that a child should never know.

Moreover, my dear friends, the Catholic Church has such a respect and reverence, and veneration for the Holy Book of God that they will never consent to have it used as a school book. As a general thing, children in public schools have very little respect for school books. They fling them around the school room; they trample upon them; they sit upon them; they spit upon them; they sit upon them; they spot them all over with ink. The Catholic Church has too much respect and too much veneration for God's holy book to consent that it be treated in the manner that a school book is treated. As for the rest, the Catholic Church looks upon the Bible as the Word of God—as a thing of inspiration; and she recognizes the reading of it as a means of instruction and information, and of edification. Hence the Catholic Church is not opposed to the Bible. Opposed to the Bible! Why, my dear, separated brethren, to whom does the world owe the preservation of the Bible? Before the art of

printing was invented, for fourteen hundred years there was none to preserve the Bible but the Catholic Church. In their monasteries and in their convents large numbers were employed in transcribing the Holy Scriptures for the use of future generations. Then how can it be said by our separated brethren that the Catholic Church is opposed to the Bible?

Again he said:

It was not until the fourth century that the Bible, as we have it to-day, was established as the word of inspiration. There had been many false and fraudulent gospels in circulation up to that time, and in order to settle the authenticity of the Catholic Bible, the Pope of Rome ordered a convocation of wise men to determine what was, and what was not, inspiration. These men had given us the Bible as we have it, not the Protestant Bible—for that is not the Bible—but the Catholic Bible, which is the real Word of God.

Learned Protestants acknowledge that during the first three centuries the Catholic Church had all the doctrines of Christ in their purity, yet up to that time they had no Bible. The church was the custodian and teacher of the doctrines as she is to-day—and she teaches them to-day, in their purity, as she did in the early ages of Christianity.

It was not until the year 1450 that the art of printing was invented. Up to that time only the wealthy could have the Bible. If the reading of the Bible was so necessary to the salvation of the souls of all the people, why was it that God had denied them this privilege during the many centuries before? From this very fact we could not assert that the reading of the Bible was necessary to salvation without questioning the wisdom of God. Or to take another view of the case: Up to the era of the invention of printing, perhaps not one-fourth of the members of the church were able to read it. At the present time not more than one-half of the people can read. Are all of these people to be excluded from Heaven? And even supposing all could read, how are they to determine and satisfy themselves that the Bible is, or what portions of it are the work of inspiration? Learned Protestants acknowledge and assert that their translation is full of errors. If it is filled with errors, it is

not the word of God as delivered to the saints, and is, in short, not the Bible.

The Protestant Bible has led thousands, yes millions, of people into all kinds of errors and absurdities, which is proven by the fact that there are upward of three hundred Protestant sects now in existence, all of whom claim the Bible for the basis of their peculiar belief. Can all be true? Protestants say that they all agree on the essentials of religion, and only differ on minor points. How untrue this assertion is can be proven by the history of their convocations for the purpose of forming a common creed, or basis of agreement. About thirty years ago the King of Prussia called a Convention of Delegates from all of the different Protestant denominations, for the purpose of establishing a common creed and effecting a union of the Protestant Church. What was the result? A failure. They could agree upon no article of faith except the recognition of the existence of a Supreme Being. This was such a universal belief that its announcement by such a Convention was unnecessary. The American savage, as do almost all other savages, believes in the existence of a great overruling, Supreme Spirit.

SCRIPTURE REFERENCES.

References to a few passages that probably should not be read on all occasions:

GENESIS, Chap. XVI; Chap. XIX; Chap. XXV, Ver. 20 to 26; Chap. XXX; Chap. XXXI, ver. 35; Chap. XXXIV; Chap. XXXV, ver. 22; Chap. XXXVIII; Chap. XXXIX ver. 7 to 18.

EXODUS, Chap. I, ver. 16 to 22; Chap. IV, ver. 24 to 26; Chap. XIII, ver. 2 to 15; Chap. XXII, ver. 16 to 19.

LEVITICUS, Chap. XII; Chap. XV; Chap. XVII; Chap. XVIII; Chap. XX.

NUMBERS, Chap. V; Chap. XV, ver. 38, 39; Chap. XXV; ver. 1 to 8; Chap. XXXI, ver. 17 to 35.

DEUTERONOMY, Chap. XXII; Chap. XXIII; Chap. XXV, ver. 11.

JOSHUA, Chap. V, ver. 1 to 8.

JUDGES, Chap. XI, ver. 34 to 40; Chap. XIII, ver. 4 to 14; Chap. XIX; Chap. XXI.

THE BOOK OF RUTH.

1st. SAMUEL, Chap. I; Chap. IV, ver. 19, 20; Chap. XXV.

2nd. SAMUEL, Chap. XI; Chap. XIII., ver. 10 to 15; Chap. XVI, ver. 22.

1st. KINGS, Chap. I; Chap. XI.

2nd. KINGS, Chap. IX, ver. 8.

JOB, Chap. III; Chap. X, ver. 18, 19; Chap. XXI, ver. 8 to 20.

PSALMS, XXII.

PROVERBS, Chap. VI, ver. 24 to 35; Chap. VII; Chap. XXX, ver. 15, 16.

ECCLESIASTES, Chap. XI, ver. 5.

THE SONG OF SOLOMON.

ISAIAH, Chap. XLVII.

JEREMIAH, Chap. I, ver. 5; Chap. III; Chap. XX, ver. 14 to 18.

EZEKIEL, Chap. XVI; Chap. XXIII.

THE BOOK OF HOSEA.

MATTHEW, Chap. I; Chap. V, ver. 27 to 32; Chap. IX, ver. 20; Chap. XIX, ver. 9 to 12; Chap. XXIV, ver. 19.

MARK, Chap. V, ver. 25; Chap. XII ver. 19 to 22; Chap. XIII, ver. 17.

LUKE, Chap. I; Chap. II; Chap. VIII, ver. 43 to 48; Chap. XXI, ver. 23; Chap. XXIII, ver. 29.

JOHN, Chap. III, ver. 4; Chap. VIII, ver. 3 to 11.

ROMANS, Chap. I, ver. 24 to 30.

1st. CORINTHIANS, Chap. VII.

REVELATIONS, Chap. II, ver. 20 to 23.

It is not the intention to condemn the passages above cited, further than to remark, that it would possibly be out of taste to read them in school, and that Catholics and Infidels prefer not to have their children read them at all.

OPINION OF HORACE GREELEY.

Speaking of reading the Bible in the Public Schools, Horace Greeley, says:

"We have no right to force the reading of it upon those who object to it; for, if we are to assume such right, we virtually create an Established Religion, which is directly forbidden by the Federal Constitution."

From the Cincinnati Commercial.

Objection is made to the regulation that it establishes a form of worship in the free schools, and as such is prohibited by the Constitution of Ohio. There can be no doubt, if it be a form of worship, what the legal decision would be, were the question carried into the Courts. Suppose the watchmen on the Towers of Zion cease for a time to shake the scarlet robes of the whore of Babylon in the faces of the people, and come to a practical consideration of the question.

If it is not a form of worship, what is it? Are the children to be taught, as the crazy and infidel, *Times* suggests, that the Bible is merely "a moral text book," to be ranked with the ethical writings of pagan philosophers and sages, and the reading of it each morning only an introduction to a system of morals? Are they to listen to it as the wisdom of the world, or the voice of God speaking through inspired men? The question whether the daily reading is a form of worship depends largely upon the construction to be put upon it.

We gather, from the sermons and arguments of those who insist that the rule should not be abrogated, that they consider the formula not only important in a religious, but in a Protestant sense. There is small stress laid upon the moral or religious edification of the children growing out of it, probably because they are convinced that very little does come of it; but it is tenaciously held to as a token and a sign that Protestantism continues to be triumphant, and that its spirit indwells and permeates the whole school system. Now, we do not ourselves say that this is so, but we do say that no man can read the sermons and addresses of the Protestant clergy on the subject without coming to the conclusion that they so regard the regulation, and

would not be at the trouble to defend it if they did not consider it a valuable token of the supremacy of Protestantism, and an evidence of its power and presence in civil affairs.

They do regard it not only as an act of worship, but as an act of Protestant worship, and appeal to the people to sustain it on that ground chiefly. The talk about excluding the Bible from the schools is stuff. No child will ever be prohibited carrying as many Bibles into the school-room as he can pack into his satchel; nor will he be denied the unspeakable privilege of reading them at his leisure. Teachers, too may line their pockets with them, and carry them about with them so long as they attend to the duties for which they are paid by the State. Out of school hours, they can discuss the merits of the book among themselves, or with such of their scholars individually as solicit instruction. We know of no law, rule, or religion to prohibit all this. Those who make pretenses that the Bible is to be ignominiously expelled, ignorantly or willfully mistake the question at issue, which is as we have stated and we here repeat it, whether the School Board has not established in the public schools of this city a form of worship—a form of Protestant worship at that, and so regarded by the Protestant clergy themselves—contrary to the express letter of the Constitution of the State of Ohio, and whether the Board should not repeal it.

From the Cincinnati Volksfreund.

Day before yesterday there was made here, in Cincinnati, a decision of immense bearing and importance. Inclusive of all amendments to the Constitution, for years, no question of such political and social magnitude has been brought before the public, as the Bible question, which the School Board decided at its sitting day before yesterday. The School Board decided it in the true and genuine spirit of the American Declaration of Independence, and in accordance with the letter of the Federal Constitution, and the Constitution of our State.

The great document mentioned above, which arose under the influence of the teachings of the French Encyclopedists, was at first very imperfectly understood in America, and, for half a century, from a lack of a philosophical faculty of abstraction, it was misapprehended, and, besides, intentionally falsely expounded, and explained, if such had not been the case, how could have arisen the opinion that the Union had been formed as a Christian confederation of States? Our national fundamental laws absolutely exclude any possibility of a connection of the State with any religious institution or religious doctrine. Why should the Puritans have repeatedly asked Congress to change the Constitution for the purpose of declaring that the Union was a Christian State?

Fortunately, up to this time, they have not succeeded in carrying their scheme into execution, and divesting the Republic of its cosmopolitan character, although they have worked hard enough to do so. Puritanism would have long since subjugated the whole of America, and forced human society into the narrow forms which we know from Connecticut and Massachusetts, if the Constitution had not been in its way. The next consequence, naturally, would have been the oppression of the non-Christians, and as such would have been regarded not only the Mohammedans, Buddhists and Israelites, but all non-Puritans and liberal Christians. According to the teachings of the Puritans, as well as that of Dr. Mayo in the School Board, an Israelite could only be tolerated, but not live in the United States as a citizen of equal rights and privileges; nor could do so a free thinker attached to none of the existing religious societies. We condemn so narrow-minded and unjustified expounding of the great bill of rights of the nation, and we are glad, that the hypocritical adherents of that school in Cincinnati have been enticed into the open field, and have been badly worsted.

It is to the interest of all the numerous religious societies in the country that none of them should enjoy an advantage over the others, and that the State should not meddle with them. Puritanism has always tried to obtain the special protection of the State, and to exercise influence over

it. Did it not force itself into the Freedmen's Bureau and the negro schools of the South, and try to model them after its own peculiar views and proclivities? Thereby, all other religious sects, especially the Catholics and Israelites were materially injured. What position would the latter occupy if those fanatics should succeed in declaring the union to be a Christian confederation of States, and Ohio a Christian State? Fortunately the chances for doing so are becoming weaker and weaker.

It is really wanting in America that an intelligent Caucasian should be deprived of his equal rights with the rest of the population, because he is non-Christian, while we have placed the negro on the same footing as the white man. If the State takes no notice of religious affairs the country need not become irreligious, for the churches thereby become freer than before. To the proclamation of the Christian State would succeed the question: "What view of Christianity is the correct one?" May we be preserved from the misery to which the struggle about this question would give rise! The majority of the School Board did a great work, of which Cincinnati may be proud, and about which even the remote future will talk and write. It has at length delivered the spirit of the century and the true idea of American democracy of the fetters of fanaticism and the influence of Puritan narrow mindedness. It will find imitators in the whole country, where not an appreciation of the situation but courage have been wanting.

From the Cincinnati Courier.

After a long and exhaustive debate, the School Board of Cincinnati, day before yesterday, at length adopted the resolutions offered by Mr. Miller, on the last 6th of September, by a vote of 22 against 15.

[Here follow the resolutions.]

These resolutions are in keeping with the spirit of the Federal Constitution, which forbids religious tests, and in accordance with the letter of the Constitution of Ohio, the seventh section of which says;

[Here the seventh section is reproduced.]

The resolutions adopted for our public schools were entirely at variance with this express provision in the Constitution of Ohio, inasmuch as, by ordering the Bible to be read, they gave to certain Orthodox Protestant sects, which consider the Bible the revealed quintessence of all wisdom and virtue, an advantage over the Catholics and Rationalists, who, for reasons of conscience or common sense, do not want the Bible to be read in the schools, but are, nevertheless, compelled to contribute to the school fund, which, in consequence, is useful only to the Orthodox Protestants. Hence, we had here a flagrant violation of the guaranteed right of conscience, which the School Board was in duty bound to abate.

No matter how just, legal and timely the measure adopted by the School Board may have been, the Orthodox American Protestants will raise a hue and cry about it. They will denounce the resolution as a concession made to the Catholics and infidels; they will prophecy to us the ruin of all religion and morality, and declare the civilization of the nineteenth century to be endangered.

Our German countrymen should not allow themselves to be misled thereby, but stand firm by the cause of legality, justice, and freedom of conscience. Religion, morality and civilization will not perish, even though the Bible should no longer be read, or rather repeated without feeling or understanding. There have been religious, virtuous and highly civilized nations that knew nothing of the Bible, and even in our Union there is a State (Missouri) where the reading of the Bible in the free schools, was expressly prohibited, but which for that matter, has not become more irreligious, immoral and barbarous than the rest of the States.

Such members of the various sects and confessions which desire to make their children acquainted with the teachings of the Bible or other religious books, have at their disposal clergymen whom they pay themselves, and who have time and leisure to devote every week, a few hours to the performance of this task.

By rights, and by law, the Bible should not enter our free schools, if they are to be and remain *free* schools.

From the Commoner, Nov. 20th 1869.

It is certainly true that only a part of the Christian churches make Bible reading their rule, and it is also indisputable that the Catholics, and most of the more advanced German churches oppose this rule. The opposition of the Catholics to this rule is a notorious point of divergence between the old church and the new church. It was a disputed issue at the *reformation*. Moreover, there is a well known issue of authenticity and no Bible can be read which is not objected to by some Christian sect.

Nor must we forget the case of the Jews. They would not perhaps object to the reading of the Old Testament, but they certainly do to the new, or they are not Jews, or very contemptible ones.

These things bring us to the point we insist on, which is this: that it is an impossibility to read any other than a sectarian Bible, for there is no Bible recognized by all, and that then all Bible reading to children in schools is a sectarian proceeding.

Reading the Bible without comment is not teaching religion;—it is an artifice to cover sectarian designs. We are Protestants, for we protest against the covert way in which Protestant religion attempts to control the State. Our public schools belong to the children of the land. Their cause we plead, and we care not what rule it is, if it keep one child of a conscientious citizen from the school, then it is an outrage and it ought to be repealed! Deny religious liberty if you will, to the adults, but leave it at least to our children.

[From the Israelite.

THE BIBLE IN PUBLIC SCHOOLS.

The war cry for, and against the Bible in the public schools of Cincinnati is loud, emphatic, and even passionate. The discussion has taken so wide a range, that the Pope and his cardinals, Turkey and Hindoostan have been reviewed, and the old serpent of hostility among Catholics and Protestants has been engaged to assist in the petty strife. We have said nothing on the topic, because our readers know that

we are opposed to Bible readings in the schools. We want secular schools, and nothing else. Nor has the State a shadow of a right to support any other. As Jews, we do not want anybody to teach our young ones the religion of our fathers. We do it all ourselves. Our schools for this special purpose suffice to do it all right.

We do not like to see our young ones indoctrinated by heading contrary to truth, and translations often refuted by men like Gesenius, Ewald, Hitzig, Umbreit, and other honest critics and acknowledged linguists. We do not wish our young folks to hear their teachers say things in school which the scholars know to be contrary to truth, and in many instances know better than their teacher. It places the master in an awkward light before his pupils. It does no damage to our cause, because one hour weekly, in our Sabbath-schools upsets all the sectarian precepts imposed in a week upon a scholar; it damages the reputation of the teacher with his scholars. We can not be in favor of the Bible in the public schools, although we have no material objections to urge against it from our religious standpoint.

From a general standpoint, however, we are opposed to Bible readings in the public schools. The American people consists of a conglomeration of nationalities and sects, united by the Constitution and laws of the United States, the common interests, and the love of liberty and independence. The gist of the whole is, we agree to disagree on every point except the public government, which we agree to support, maintain and obey. This is in perfect consonance with our ideas of personal freedom, civil and religious liberty. It is admitted that a free government relies for its very existence on an enlightened people. Therefore we must have schools. Hence we have public schools to the purpose of educating enlightened citizens.

Again, it must be the object of a good government to aid in the development of the resources and wealth of the country. Intelligence is the main wealth of a people. Little Rhode Island is wealthier than the large and fertile Bessarabia. The intelligence of a people is cultivated first and foremost in the schools. Therefore, again, we have public schools. The morals of a

people are always in strict proportion to its intelligence and freedom. Therefore, all the bombastic and grandiloquent phrases like "the basis of all civilization," "the groundwork of public morals," the fundamental principle of Christian government," and all the like, actually mean nothing in this connection. The public schools are institutions for the education of free, intelligent and enlightened citizens. That is all. To this end we need good secular schools, and nothing else.

The State has no religion, because we, the people, who are the State, agreed to disagree on this essential point. Having no religion, it can not impose any religious instruction on the citizen, adult or child. The Bible is the book of religion; all admit this; by what right is it imposed on the public schools? We disagree on this book which some call the Bible, and others call a mutilated translation thereof. Who has a right to force upon the community that particular Bible in the public schools or anywhere else? Citizens have the unquestionable right to maintain that they agreed to disagree on religion, and to hold you to the contract in the management of the public schools.

Because the Catholics want it, we would not do it, is another argument in this matter. We say it because eighteen thousand children, in this city, are deprived of the benefit of public education, by the whims of Catholic priests and the caprices of Protestant partisans; therefore, impartial men, guided by the sense of justice and duty, ought to remove the obstacle, and afford the opportunity to those eighteen thousand innocent children to partake of the benefit of our public education. Therefore, we ought to comprehend that the imposition of that Bible on the public schools, is contrary to the spirit of our free institutions and the will of our people. Because the system of general education can not be carried out with that Bible in the school, it ought to be carried out without it. Because it is the apple of contention, we must lay it aside.

The Catholic clergy is not sincere, is another argument; the Bible removed from school and they will discover some other pretext to sever Catholic children from the community. All right. If that new pretext shall be as fair as the present, we must

do it justice in the proper time. If unfair, we shall have the best ground in the world to appeal to the intelligence of Catholic citizens against the counsels of their clergy, and have the advantage over them.

It is the first step to infidelity, is another argument, the Bible taken out of school and there will follow—well, what will follow? Nobody has said what will follow, and we can not divine it.

If churches, chapels, preachers, ministers, deacons, sabbath-schools, tracts, teachers, parsons and pious women, street preachers, prayer-meetings, revivals, camp-meetings, missionaries, colporteurs, &c., can not guard Christianity against the advances of infidelity, the Bible reading in the public schools, thus much is certain, can not do it. If that reading promulgates Christianity, then it is undoubtedly contrary to the Constitution and laws of Ohio, which prohibit the State to support any particular form of religion.

The arguments in favor of the Bible in the public schools are all vulnerable, however pompously they may be announced. If we are to be one people, we must remove the disuniting elements from our State institutions; we must afford the benefit of education to all, in order to unite all in the bonds of cultivated intelligence. The growth of freedom depends on the progress of enlightenment, and *vice versa*. Enlightenment springs from the sciences. Therefore let us have good secular schools, and let the churches care for the progress of religion.

HENRY WARD BEECHER.

Mr. BEECHER said:—"We believe that the Bible in schools would do a world of good and no harm. We wish that every one thought as we do. When all the inhabitants of a district are agreed in having the Bible; they should have the liberty of making it a text book in schools. But, when the parents are of mixed faiths, and when many of them do not believe the Bible to be the word of God, *it is not right to compel their children to read it, or hear it read. This is religious compulsion, cover it as you may. It is taxing men for the propagation of opinions which they repudiate. A compulsory Bible in schools is not in ac-*

*cordance with American doctrines of liberty of conscience. * * * Education is a political necessity. It is a fundamental civil duty. If the State has not a right to establish free schools, then it has no right to lay the indispensable foundation of its own permanence. Republican governments must have an intelligent common people. Free schools are the factors of intelligence. They must be maintained. Sectarianism must not be allowed to pervert them. If the Bible is the entering wedge of sectarianism to the common schools much as we prize it, the Bible must be taken out of the common schools."*

LETTER OF C. B. DYER.

Cincinnati Ohio, January 1870.

S. A. MILLER, Esq.,—Excuse the liberty of a stranger, in addressing one, who is evidently no friend of clerical aggression and union of Church and State. You have waked up our continent, and thrown a pebble into the wave of free thought that has reached the shores of Europe. The friends of progress and mental liberty will thank you, your associates and noble supporters for voting the Bible out of the public schools. There is a moral courage in your vote which is not possessed by many who have no fear, even of the cannons mouth and yet dare not open their own. There are many passages in the Bible, a virtuous school mistress would not read to the children, for instance: the story of Onan; that of Solomon, with his seven hundred wives and three hundred concubines. (Imagine one of our missionaries attempting to reform Brigham Young, with this part of the Bible); the command of the Lord to the son of David "to go in unto all his fathers concubines on the house top in the sight of all Israel," (Imagine such a sight to take place about the 1st of May next, at our State Capitol, or at Cincinnati. We cannot help the fact that this is in the blessed book but we can keep it out of the public schools); the picture of the breakfast ordered by God for one of his prophets; the command to the Jews to sell or give to the stranger the meat of any beast that died of itself. (For practice like this we would mob a butcher); Lot and his daughters. &c., &c.,

If men would read the Bible as they do other books, and not as a Bishop of England directs his followers, to "approach all religious subjects with humble prostration of intellect," they would soon banish it from the public schools. Many of our people are against the use of the book in the public schools but dislike to comfort the Catholics, thus proving the poet true:

"That Hell is built on spite,
And Heaven on pride."

The attempt by injunction to stay the action of the School Board is Pope out, Poped and Poperly out-done. Why did the court not adjourn to some church edifice? It certainly would have been in equally as good taste. The great Locke said: "This is looked upon as a matter of dangerous consequence to make our civil courts judges of religious doctrines, for no one knows upon a change of affairs whose turn it may be next to be condemned." Thomas Cooper, late President of Columbia College, S. C., said: "What are we to say to the bravery of men who are quite anxious to fight providing their antagonists be handcuffed." And again he said: "We have indeed in this country dissolved the unholy concubinage between Church and State, but it is impossible for an observing man to shut his eyes against the coquetry continually going on between our politicians and the clergy." Macaulay said: "The puritan hated bear baiting, not because it gave pain to the bear, but because it gave pleasure to the spectators. Indeed he generally contrived to enjoy the double pleasure of tormenting both spectators and bear." Our puritans in this matter are eminently strong and true to their instincts in contriving to enjoy the double pleasure of tormenting both child and parent. It puts me in mind of the fellow who could not "whip the big brother, so revenged himself by grinning at his sister." They can not cram the Bible down our throats, but they seem determined to administer it to our children. The gifted Francis Wright, when addressing a multitude in Philadelphia, on the subject of American liberty, said: "Liberty, Liberty, Liberty did you say when in sight of this building there are chains stretched across the streets by sectarians to stop ingress and egress through your streets." In a few

minutes the links of those chains were broken and scattered, and have never been renewed. Our Christian friends have drawn chains across the doorways of our public schools, to exclude therefrom a large body of children, and I would that they were iron that the people might see the enormity of the imposition, and scatter them to the winds. If they really wished for the best interests of the children they would remove every vestige of hindrance to their attendance. They have a forest of church steeples in this city, more than 120 churches, while there are only about 22 school houses, they have their tracts and circulars in general distribution, and yet not a householder is certain when he lies down at night in his castle, that he will not be disturbed before morning by a robber, and our women are positively prisoners after sun down, and dare not go out without a protector with them. Certainly here is a field for our Evangelical divines to practice their power, to paralyze tongues and limbs, without spending their fury to force Bible instruction in the public schools.

Yours, &c.,

C. B. DYER.

ARGUMENT OF HON. J. B. STALLO.

From the argument of Judge Stallo before the Superior Court, in the case of *Minor et al vs. Board of Education et al*, we take the following extracts:

"The doctrine thus seriously (and in view of the exigencies of their case *necessarily*) broached by our opponents, that Christianity is part of the common law of our State, because this law has its roots in Christian civilization, is a momentous doctrine. It is pregnant with the most serious consequences. It draws in question the civil rights, as I believe, of nearly one-half of our citizens. I propose to examine it therefore candidly, fearlessly, and as far as I may thoroughly. If this is a Christian country, in the sense that the non-Christians have no rights which the Christians are bound to respect, or, in the narrower sense, that the Christians enjoy rights and privileges, which the law denies to the non-Christians, the time has come for the reflu-

ence of the wave which has brought so many millions of European thinkers and laborers to the shores of the new Western world.

While entering upon the inquiry into the truth or falsity of this great fundamental theory of our opponents, I am puzzled *in limine* to understand, what is meant by the sounding phrase, that Christianity is part of the common law of the State. The law—positive civil law—either imposes duties or it confers rights. If Christianity is part of the law of the State, then, there must be certain duties enjoined upon the citizens, which are peculiarly Christian, or certain rights, which none but Christians possess. Now the duties enforced by the State, the duty to respect your neighbor's life, his person, his property, his good name, to refrain from murder, robbery, theft, defamation etc., are not peculiarly Christian duties; they are enforced or at least enjoined by all States, whose citizens are civilized in any modern sense. They are enjoined and enforced because their observance is essential to the very existence and good order of society, and not because they are Christian virtues. I know of no duty which the State recognizes as a merely Christian duty. Similarly I know of no civil right which the Christian holds in preference over the professors of another creed or of no creed. The Jew for instance, can hold property. He can acquire it by inheritance, or by devise, or by purchase. He can sue and be sued. There are the same remedies, civil and criminal, for wrongs inflicted upon a Jew, as for those done to a Christian. The Jew can be a witness in a court of justice, for the Constitution provides, that "no person shall be incompetent to be a witness on account of his religious belief." The Jew has the right to vote. He can hold any office, for again the Constitution provides, "that no religious tests shall be required as a qualification for office." A Jew may sit upon the bench, and administer justice "*without respect of persons*," between Christians, as a Jew now sits upon the bench in New York. A Jew may not only administer the law, but help to make it. A Jew sat last winter, in the Ohio Legislature, and there is nothing in the Constitution to hinder that the majority of

the Legislature may be Jews—a case which, according to the theory of the plaintiffs, would present the remarkable anomaly of a body of Jews making Christian laws. A Jew was recently appointed, by this Court, commissioner of the Southern Railroad. Jews have sat in both Houses of Congress. A Jew may be President of the United States, if he has the requisite other qualifications and can obtain the requisite number of electoral votes. A Jewish temple or synagogue is exempt from taxation no less than a Christian church. I might proceed indefinitely with this enumeration of rights, but I have gone far enough to show, that there is no particular, definite civil right, which Jews, Christians and non-believers do not share in common. And in view of this I am not able to see the force of the assertion so frequently and so confidently made, that Christianity is part of the law of the State."

Again, in another connexion Judge Stallo said:

Devotion to Christianity sometimes breaks out in very extraordinary manifestations. Some weeks ago I saw in an evening journal of this city a series of resolutions passed by a Christian Association, shortly after the adoption of the resolutions by the School Board which purify the State schools from sectarianism, and throw their doors wide open for the entrance of the children of all citizens alike. In those resolutions the Christian association called upon all Christians to direct their prayers to Almighty God "during the continuance of the present emergency," that He might soften the hearts of those who sought to exclude the Bible from the common schools, and convert them, "even as Saul of Tarsus was converted into the believing Paul." And prayers have been said, I am told, in many of the churches, and, no doubt, in many houses, ever since. Whether your Honors were included in these prayers, so that the Lord might enlighten your understandings, I can not say. Now, what was the real burthen of these petitions, so devoutly addressed to the God of justice and right? What did these plaintiffs (some of whom were, no doubt, among the petitioners), when they approached the Throne of Mercy with their supplication, pray for? Looking beneath their form of words to

their true meaning, their prayer may, without irreverence or injustice, be paraphrased into an imploration like this: "O Lord, deliver us from the necessity of educating our children at our own expense; help us to take money out of the pockets of the Jew and the unbeliever, so that we may train our youth in Thy ways; harden the hearts of our legislators and judges, so that they may shut the doors of our common schools at the approach of the poor children of those who sign their names with a significant cross or a mysterious X!" Up to this moment, I believe, there is no evidence that these humble prayers have been answered, and I trust that the answer will not come in the form of a judgment of this Court! I trust that your Honors will not overrule the solemn decision of our Supreme Court and do violence to the spirit of our liberties, no less than the words of our Constitution, by deciding that Christianity—Protestant Christianity—being the law of the State, the rights of Jews, Catholics, and free thinkers need not be considered. I point to the history of our country, to the spirit and language of our Constitution, to the decisions and practice of our courts, to the necessities arising from the condition of our society, and say that Christianity is not and can not be the law of the State. Christianity was part of the common law of Massachusetts two hundred and thirty-three years ago, when Roger Williams was cited before the General Court for preaching the doctrine of liberty of conscience, and was sent into the wilderness in mid-winter for that offense—when Quakers were banished and Quakeresses hanged; it was part of the law of the State of New York when the penalty of death was threatened to be inflicted on Catholic priests for bringing the sacrament to the dying faithful; it was a part of the common law of Virginia when dissenters were required to build the churches of the Anglican cavaliers; but it is not to-day, thanks to the followers of the Protestant Roger Williams, and the Catholic Charles Carroll, and the Infidel Thomas Jefferson, a part of the common law of Ohio, or, indeed, of any State in the Union I know of."

And again he said:

"What is the fundamental theory of Christianity? A total denial of the value

of the things of this life as compared with the inestimable value of the possessions in another. Christianity writes an infinite denominator under the finite numerator of this world, and thus reduces the value of the fraction to zero. In the words of Christ, and generally in the words of his followers, it asserts the equality of all men; but the equality upon which it insists is a *spiritual*, not a *temporal* equality. It is equality before God, not before the law. Whenever, in history, the teachers of Christianity, the Bible or the Church, have spoken of the realization of that equality, they have pointed to the world beyond. In the view of the Christian, the equal brotherhood of all men is to find its vindication, not before the throne of an earthly king or the bar of a republican tribunal, but before the throne of God. And it is a necessary consequence of this deprecation by Christianity of all earthly affairs, that the virtues inculcated by Christianity are the virtues of resignation, humility, meekness, obedience, self-denial, charity, etc.—noble virtues, indeed, but not such virtues as lead to the establishment or maintenance of a democracy or a republic.

Neither Hampden nor the patriots who fought at Concord or Lexington, were men who tendered their right cheek after they had been smitten on the left. The truth is (however sad it may be in the eyes of my friends on the other side) that political freedom is born of the spirit of stalwart and manly self-assertion; of the readiness to do battle for personal right; of the disposition to quarrel about a penny or pound which is wrongfully exacted; and to resent—mortally to resent—every injury or insult to the person. If the founders of our liberty had been thoroughly imbued with the teachings of St. Paul, in the thirteenth chapter of his epistle to the Romans, written during or shortly after the massacre of the Christians by Nero, in Rome, they would never have inaugurated the Revolution.

Christianity discourages interest in political life, preaches submission to constituted authority, and stifles the impulse of resistance to wrong. It is doing no injustice to Christianity to say, that for more than twelve hundred years it was everywhere the faithful handmaid of despotism, whenever

it was willing to avail itself of its services.

Now, for this reason, and for the further reason that Christianity inculcates uninquiring faith and undoubting belief, and represses that spirit of free and courageous thought which challenges dogmatic assertion no less than despotic behest, and which, together with the spirit of manly vindication of personal right already alluded to, integrates the spirit of modern political liberty, it cannot be true that Christianity, as against the generically human elements in our culture, is the foundation of our republican institutions.

Let me not be misunderstood. While I do not believe, for the reasons already assigned, and for further reasons, which I am about to assign, that the rise and progress of our republicanism is due to Christianity I have no intention whatever to claim that Christian virtues are superfluous in a republican state. I do not at all mean to deny that those virtues, which Christianity, by reason of its genius has had the preëminent tendency to foster—humility, meekness, charity, forbearance, obedience, etc.—are necessary in order to temper the generically human virtues or instincts, or passions or whatever else you choose to call them, and thus to prevent the lapse of freedom into anarchy. Such Christian virtues cement the fabric of the State and tend to uphold it. But, as all history shows, their sedulous cultivation is far more favorable to the maintenance of despotism than of republican liberty.

It is sometimes said that the establishment of free institutions in the north of Continental Europe, in England and in the United States is due to Protestantism. In a certain sense this is perfectly true, but in the sense in which the claim is now made it is the reverse of the truth. Protestantism embraces two elements which may be designated as the negative and the positive elements. Its negative element is the spirit of denial, both of dogmatic assertion and of constituted authority, the spirit of resistance to the dictator of the Church no less than the arbitrary commands of the temporal ruler, the spirit of independent belief and private judgment—the same spirit which is now denounced in this Court as the

progenitor of atheism and disbelief. Its positive element, on the contrary, is its tendency to erect the transitory opinions of its adherents into permanent and binding articles of faith, to maintain forever positions temporarily assumed during antagonisms with the ecclesiastical system from which it emerged, to substitute the authority of the dead letter of a book for the authority of the Church, or the authority of reason, and to execrate and anathematize those who seek to keep alive the spirit from which Protestantism itself was born, in terms as fierce as those with which it had spurned the traditions of the past. If we look to the former, the negative element, it is unquestionably true, that the freedom of our institutions is the child of Protestantism; but if we leave this out of view and only regard the latter, the positive element, it is as indisputably true that our freedom is in its very nature a protest against Protestantism. Dogmatic Protestantism is less fatal to civil liberty than dominant Catholicism only because it is less powerful.

To illustrate and enforce my assertion that Christianity, Protestant as well as Catholic, Christianity as it stands forth in history—is destructive of that mobility and independence of thought, without which free institutions can not endure, I beg leave to quote a passage from an author, who is justly distinguished for his truthful candor and judicial impartiality. Mr. Lecky, in his *History of Rationalism in Europe*, vol. ii. p. 90 (Appleton's American edition), says:

"Until the seventeenth century every mental disposition which philosophy pronounces to be essential to a legitimate research was almost uniformly branded as a sin, and a large portion of the most deadly intellectual vices were deliberately inculcated as virtues. It was a sin to doubt the opinions that had been instilled in childhood before they had been examined; it was a virtue to hold them with unwavering, unreasoning credulity. It was a sin to notice and develop to its full consequence every objection to those opinions; it was a virtue to stifle every objection as a suggestion of the devil. It was sinful to study, with equal attention, and with an indifferent mind, the writings on both sides; sinful to resolve to follow the light of evidence wherever it might lead; sinful to remain poised in doubt between conflicting opinions; sinful to give only a qualified assent to indecisive arguments; sinful even to

recognize the moral or intellectual excellence of opponents. In a word there is scarcely a rule which reason teaches as essential for its attainment, that theologians did not for centuries stigmatize as offensive to the Almighty.

"By destroying every book that could generate discussion; by diffusing through every field of knowledge a spirit of boundless credulity, and, above all, by persecuting with atrocious cruelty those who differed from their opinions, they succeeded, for a long period, in almost arresting the action of the European mind, and in persuading men that a critical, impartial, and inquiring spirit was the worst form of vice. From this frightful condition Europe was at last rescued by the intellectual influences that produced the Reformation, by the teaching of those great philosophers who clearly laid down the conditions of inquiry, and by those bold innovators who, with the stake of Bruno and Vanini before their eyes, dared to challenge directly the doctrines of the past. By these means the spirit of philosophy or of truth became prominent, and the spirit of dogmatism, with all its consequences, was proportionately weakened.

EXTRACT FROM THE ARGUMENT BEFORE THE COURT, BY JUDGE HOADLY.

"The only distinction that can be made between the misuse of the powers of the School Board in matters of history, of constitutional law or of science and in matters of religion, grows out of the higher importance of religion as compared with matters of important secular knowledge. And this is precisely the ground upon which those who have burned to death have justified themselves for burning heretics. It is precisely the ground upon which *autos-da-fe* were justified in Spain, that it was of more consequence that the souls of the people of Spain should be saved from hell or from sin than that the life of a few men should be spared for repentance. It was on the idea that religious error, is an error of such transcendent consequences, involving, in the case of a human soul an eternity of perdition according to the ordinary belief—it was upon this idea, an idea that eternal unending welfare or woe depends upon error of doctrine, depends upon correctness of

instruction, that men have by all denominations that have had power been destroyed and persecuted.

Now, your Honors, the view to which I shall address myself and attempt to persuade your Honors in some one of the various applications I shall make of it; that I am correct, is this: That if the State of Ohio undertakes to teach religion at all, she has no right to undertake to teach any but all religious truth; that if the State of Ohio is to be set up and constituted a teacher of religious truth at all, it is for the reason just suggested, of the transcendent importance of religious truth as compared with other truths; and, therefore, she has no right to withhold from any child within her borders all that is necessary for the salvation of that child from perdition. It is alleged in this petition, and not denied in the answer, that there are children in Cincinnati whose only access to religious truth is through our public schools.

It is not without purpose on our part that that allegation has been met by an explicit admission, for it is not only true, but its truth involves consequences to this case, and to the proper decision of this case, from which we can not shrink. If the State of Ohio, as is thus alleged and admitted, has the care of numbers of little children without parental care, without religious instruction in Sabbath-schools, or elsewhere, and if the State of Ohio has it within the various offices, she subserves toward those little children to teach them in religious truth, then it is the solemn duty of the State of Ohio to teach them religious truth.

The State of Ohio has no right to keep from any one of those children, "the least of those little ones," any truth essential to the truth of that child's soul. So far must we go, if we are going on this road at all. Either the State of Ohio has no charge of the care of that child's soul whatever, or has all the charge; all the charge that is not committed to others; all charge that is necessary for the protection of that child to the endless vista of time to which the soul of that child must look. I admit for this reason that there are children in Ohio, who derive, no religious instruction, save from our public schools.

Coming to the question what the acts forbidden by these resolutions of the School

Board are, I find them to be divided into these classes: First, The reading of the Holy Bible, with appropriate singing; and, second, religious instruction and the reading of religious books.

1. What does the reading of the Holy Bible, with appropriate singing, mean? As I understand it, it is an act of worship, precisely that; an act of Protestant worship. Is it anything else? Does it instruct the child other than incidentally? There are many hymns which are, no doubt, sung in our schools which contain much theological instruction, whether true or false. I have one in my mind which contains the doctrine of justification by faith in its first line, the hymn beginning, "Just as I am."

Almost all hymns are written, not for the purpose of expressing with poetic fervor a playful fancy, but for the purpose of teaching in rhyme a dogma. At least such, with the imperfect poetic sense that I have, I have found to be the contents of most of the hymn books that I have had occasion to examine. And the singing of hymns alone is held by one of our denominations to be an offense in itself. The reading of the Holy Bible, with appropriate singing, is an act of worship, and only incidentally can it be otherwise. It, no doubt, teaches to the child that the Holy Bible is a work *sui generis*, to be read only with a sense of awe and reverent devotion; that is to say, if it is properly read by the teacher.

I have been told that it is often carelessly and irreverently read, and that in a very large portion of our schools, including all the German schools, the rule has been, for a great many years, entirely obsolete. But so far as this exercise conveys instruction, it is only incidentally, collaterally. The main purpose and object is to perform an act of worship. If your Honors are familiar with "The Cotter's Saturday Night" of Burns, you will find that this, with the reverent prayer, constituted the family worship of that cottage, so beautifully celebrated in those lines. Does the omission of the prayer constitute the reading of the Scriptures, and the singing of the hymn, any the less an act of worship? Is it prayer which makes the exercise an act of worship? Not at all.

I am aware that the vain, insincere and tyrannical man, Henry W. Bellows, who has

set himself up as a sort of Unitarian bellwether, and runs before the advancing Unitarian flocks with his crook, crying, "no pasture in this direction; keep back, or you may find out something that I don't believe," has said that this is a sort of Protestant flag, that it is an emblem of the supremacy of Protestantism, his Protestantism, whatever that may be. But, considered as a Protestant flag, or considered as an act of worship or considered as religious instruction, I propose to claim, the exercise is equally out of place, provided the community be not substantially unanimous in uniting in the exercise as a proper act of worship, or the community be not substantially unanimous in recognizing Protestant views, or the community be not substantially unanimous in recognizing the schools as appropriate places for religious instruction.

The other thing that is forbidden is religious instruction and the reading of religious books. And right here I want to consider what seems to me to be a very far-fetched suggestion—that McGuffey's Readers and a variety of other books will be cast out from the schools by means of the adoption of these resolutions. I do not so understand it. Forbidding religious instruction and the reading of religious books is certainly not intended to forbid teaching children to read, although the matter read may be in its character religious. The gentlemen forget the explanation that is put upon this, in the same resolution—"the true object and intent of this rule to allow the children of parents of all sects and opinions in matters of faith and worship to enjoy alike the benefits of the Common School Fund." It means, therefore, that teaching any religion, and the reading of books of religion shall be forbidden in the schools as part of the school services. But this, by no means, as I understand it, prevents, or was intended to prevent, the reading of ordinary books that are now used. Aye, more; I do not understand this to prevent the reading of passages of the Bible which occur in the ordinary books of reading, if they occur as part of the ordinary exercises of the day. But I do suppose that it was intended to prohibit, to carry out a prohibition which the School Board supposed was in the Constitution; the teaching of religious truth as part of the instruction given to the children by the

State of Ohio, that the reading of the Bible as an act of worship is expressly forbidden by the very letter of the Constitution of the State of Ohio. No man shall be compelled to contribute to any form of worship without his consent; and to take the money of a Jew or Catholic, and employ it in hiring men to perform acts of Protestant worship, is as direct an evasion of the Constitution of Ohio as it is possible to imagine. Gentlemen can not get rid of the objection that way. If the act is not an act of worship, I desire them to tell me what it is. Why is the morning hour selected, the beginning of the day, and a passage read from the Bible, with appropriate singing, except that the day may be appropriately commenced with the worship of Almighty God.

EXTRACT FROM THE ARGUMENT
OF JUDGE MATTHEWS, BEFORE
THE COURT.

"And if your Honors please, in full view of the possible misrepresentations that may be made of what I am about to say, I nevertheless do say that I consider that the controversy which has, in the language of the gentlemen upon the other side, so excited the feelings of this community, is a controversy, as I understand it, on the side of the complainants in this case, about a very small matter in comparison with the evils and the wrongs which, in my judgment, the continuance of the system necessarily entails upon those who object to it. Is there anybody, if your Honors please, who says that he can not conscientiously send his child to a school which is not opened by the teacher with a selection from the Bible and the singing of a hymn? Is there any such person whose conscience is such that it is a violation of his sense of right of his obligation to duty, that he can not send a child to a school to learn reading, writing, arithmetic, geometry, algebra, Latin, Greek, or any of the branches of ethics, humanities, sciences, arts, which may be or have been taught in any of the common schools of the State of Ohio, unless the day is first dedicated and solemnized by this or a similar act of worship? I know of none.

Again, if your Honors please, is there any gentleman in this community who believes that the reading of the Bible and the singing of a hymn, as prescribed by the rules in force previous to the passage of this repeal, as it is read and as it is sung, has ever produced any appreciable good? Does he believe that the manner in which that exercise is done, the manner in which, if your Honors please, it always will be done under such circumstances, is a reverent and beneficial act of devotion?

Now, if your Honors please, perhaps I am going too far. Certainly I do not mean to limit the power of God or of His Spirit, nor the force of His truth, nor the omnipresence of His grace; but we are looking at this case, if your Honors please, humanly, and I will say at least deliberately this; that the little good which we may imagine in particular and individual and isolated cases has taken place is not to be weighed for an instant, if your Honors please, with the violation of the conscience of a single, though the poorest and the meanest, citizen of the State.

And another thing. The good that may be done in that way is not to be proportioned for an instant with the evil that is done by this schism in society, which is produced by even the appearance of predominating supremacy on the part of one sect of Christians.

In my judgment, if your Honors please, this contest is not about religious education at all. It is about denominational supremacy, the right to be higher, to be better, to be more powerful than your neighbor; the right to put him down, to put your feet upon his neck; to say to one, "You are nothing but an unbelieving Jew," and to another, "You are the slave of a Roman Bishop," and to both, "What rights of conscience that a Protestant need to respect have you?" I do not make that charge without proposing to myself the duty of maintaining it by proof. I find it, if your Honors please, in the arguments of both the gentlemen on the other side, for that argument reduced to its ultimate result is neither more nor less than simply this: that not only by the constitution of the State of Ohio, but by a law more fundamental and supreme than this, Protestant Christianity is the established religion of this State, and

the disclaimers of the gentlemen of the opposition, the enmity and hate that they respectively feel of a union between church and State is simply the gilding of the bitter pill.

Again, Judge Matthews said :

Now, if your Honors please, I characterized this proceeding, in the beginning, as an attempt to resist and pervert the law, and I claim I have a professional interest to resist that attempt; and it consists not only in the solicitation held out by the other side for a usurpation by a Court of law of duties imposed upon another Board, but in maintaining another proposition, and it is this, in a just sense of the term applicable to the issue in this case that, Christianity is a part of the law of the land. I ask your Honors' attention in the first place to the bill of rights, as I have already adverted to the provisions of the Constitution in reference to schools. In one thing I agree with the gentlemen on the other side, that that bill of rights is not a mere series of glittering generalities.

Your Honors, at one time, seemed to grow impatient in listening to my colleagues reciting the various acts of oppression and persecution inflicted by the Pagans on Christians, by Catholics on Protestants, by Protestants on fellow Protestants and Catholics, as if that recital of historical facts was not germane and relevant to this case, I think it was very much so, because it is in that recital, it is in those records of history that are written the rise, the progress, the development, the establishment of the principles contained in this Bill of Rights. Every martyr to civil oppression and religious persecution is a witness to the truth of these propositions. These are the landmarks which establish the boundaries of our present knowledge of political science. They are the records on which the people of Ohio have inscribed the advance made from generation to generation, from year to year, in the study and the practical application of elementary truth, and every departure from that should be carefully watched, and most sedulously prevented. And yet in spite of history we are told by gentlemen, as I understand them, that it is a legal proposition; that the Protestant view of religion, as founded on this version of the Bible, is a part of the law of the State;

and not only of this State, for, in maintaining the proposition they have to overrule two deliberate decisions of the Supreme Court of the United States. In referring to the case of *Videl vs Girard*, in 2 Howard, counsel have argued that it establishes the proposition as a matter of judicial decision that Christianity is part of the law of the State of Pennsylvania; but it is not the law of the State in the sense in which it is used by the counsel on the other side, the decision simply recognizing the fact that a majority of the people believe it, and, therefore, it can be made the subject of protection by laws against blasphemy.

May it please the Court, (said Judge Matthews in resuming in the afternoon.) I was considering the proposition that the State, the civil power, as such, in its treatment of religion, in respect to what are called offenses against religion, did not interfere upon religious grounds, and claiming on the decision of Judge Clayton in the case of *Harrington Second*, which showed that the statutes against blasphemy were upheld only on the ground that an infraction of them tended to produce civil disorder, tended to provoke breaches of the public peace, because they insulted the opinions and feelings of the mass of the people; and that the same principle would protect Mohammedanism or Buddhism, or Judaism, as well as Christianity; and that the same principle lies at the foundation of what are called the Sabbath laws, the laws that are usually looked to for the purpose of protecting the Christian Sabbath from disgrace. How is it? As I said the civil power does not shut its eyes to facts; it sees them. It recognizes the fact that a large body of the community recognize the religious duty of keeping as a sacred rest a certain day. Now, then, the State, as a

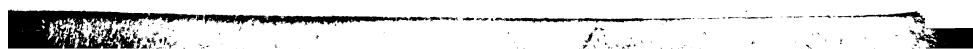
mere civil regulation on its side, looking also at the physical and intellectual and moral facts of human nature, comes to the conclusion that, as a mere civil institution it is well to have one day in seven set apart as a day of secular, not of sacred rest; and therefore, it passes laws forbidding labor one day in the week, and for the purpose of conformity merely, it selects the day which the majority of the community recognize as a day of religious rest. But it might as well have selected any other, and the statute is supportable only on the idea of its being a civil regulation, founded on civil modes of human conduct.

So I have no doubt that the power of the State extends, as it is expressly declared, in our Bill of Rights, to the protection of every religious community or association in the peaceable enjoyment of their public worship, so it punishes as an aggressor a breaker of laws, a violation of the public peace, any person who disturbs religious assemblies. And I have no doubt that the civil power extends so far that where certain religious observances come in conflict with the peace and good order of society, that the State can suppress them.

As, for instance, if any body of Christians should see fit to make a practice of having public religious processions through the streets, on the day when other bodies are worshiping in public places of assembly, so as to disturb them, the civil law can forbid them without any infraction of conscientious rights, and against any objections; it being the business of the civil power to protect society in its peace and order.

But I deny the proposition that the civil power has any authority in spiritual matters, or any right to found any civil enactments upon the ground that they are breaches of Divine law.

The extracts from the arguments of Judges Hoadly and Matthews, are from the newspaper reports.



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